Canada. Laws, Statutes, etc.

KE
72
C38
21-6
v. 2

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

86924
137

THE SENATE OF CANADA

BILL A8.

An Act for the relief of Dorothy May Tucker Patterson.

Read a first time, Thursday, 8th May, 1952.

he Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

53155

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL A8.

An Act for the relief of Dorothy May Tucker Patterson.

Preamble.

WHEREAS Dorothy May Tucker Patterson, residing at Wheathampstead, in the county of Herts, England, wife of Alvin Albert Patterson, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-fourth day of April, A.D. 1943, at Wheathampstead aforesaid, she then being Dorothy May Tucker, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it it expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy May Tucker and Alvin Albert Patterson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy May Tucker may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Alvin Albert Patterson had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL B[8].

An Act for the relief of Reginald Clare Darrah.

Read a first time, Thursday, 8th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55428

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL B[8].

An Act for the relief of Reginald Clare Darrah.

Preamble.

WHEREAS Reginald Clare Darrah, domiciled in Canada and residing at the township of Sutton, in the province of Quebec, manager, has by his petition alleged that on the eighteenth day of September, A.D. 1945, at the said township, he and Phyllis Mary Bidwell, who was then of the said township, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Reginald Clare Darrah and Phyllis Mary Bidwell, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Reginald Clare Darrah may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Phyllis Mary Bidwell had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL C8.

An Act for the relief of Marjie Weston Frost Law.

Read a first time, Thursday, 8th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54256

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL C[8].

An Act for the relief of Marjie Weston Frost Law.

Preamble.

WHEREAS Marjie Weston Frost Law, residing at the town of Burquitlam, in the province of British Columbia, wife of Robert Edward Charles Law, who is domiciled in Canada and residing at the city of Verdun, in the province of Quebec, has by her petition alleged that they were married on the fifth day of April, A.D. 1945, at the said town, she then being Marjie Weston Frost, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marjie Weston Frost, and Robert Edward Charles Law, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marjie Weston Frost may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert Edward Charles Law had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL D[8].

An Act for the relief of Carmen Verna Garcia Copping.

Read a first time, Thursday, 8th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55404

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL D[8].

An Act for the relief of Carmen Verna Garcia Copping.

Preamble.

WHEREAS Carmen Verna Garcia Copping, residing at the city of Montreal, in the province of Quebec, saleslady, wife of George Edwin Copping, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of October, A.D. 1949, at the city of Ottawa, in the province of Ontario, she then being Carmen Verna Garcia; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Carmen Verna Garcia and George Edwin Copping, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Carmen Verna Garcia may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Edwin Copping had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL E[8].

An Act for the relief of Edna Ruth Dowsett Young.

Read a first time, Thursday, 8th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55432

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL E[8].

An Act for the relief of Edna Ruth Dowsett Young.

Preamble.

WHEREAS Edna Ruth Dowsett Young, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Charles William Young, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-ninth day of June, A.D. 1949, at the said city, she then being Edna Ruth Dowsett, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edna Ruth Dowsett and Charles William Young, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edna Ruth Dowsett may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles William Young had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL F[8].

An Act for the relief of Eleanor Mary Courtney Flannery.

Read a first time, Thursday, 8th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54295

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL F[8].

An Act for the relief of Eleanor Mary Courtney Flannery.

Preamble.

WHEREAS Eleanor Mary Courtney Flannery, residing at the town of Dorval, in the province of Quebec, clerk, wife of Thomas Alfred Flannery, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the eighth day of July, A.D. 1949, at the city of Montreal, in the said province, she then being Eleanor Mary Courtney, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eleanor Mary Courtney and Thomas Alfred Flannery, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eleanor Mary Courtney may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Thomas Alfred Flannery had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL G[8].

An Act for the relief of Florence (Fannie Ruth) Sacks Roitman.

Read a first time, Thursday, 8th May, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55161

6th Session, 21st Parliament, 1 Elizabeth II, 1932.

THE SENATE OF CANADA

BILL G[8].

An Act for the relief of Florence (Fannie Ruth) Sacks Roitman.

Preamble.

WHEREAS Florence (Fannie Ruth) Sacks Roitman, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Jacob (Jack) Roitman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twelfth day of March, A.D. 1950, at the said city, she then being Florence (Fannie Ruth) Sacks, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Florence (Fannie Ruth) Sacks and Jacob (Jack) Roitman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Florence (Fannie Ruth) Sacks may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Jacob (Jack) Roitman had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL H[8].

An Act respecting the Criminal Law.

Read a first time, Monday, 12th May, 1952.

Honourable Senator ROBERTSON.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

57325

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA.

BILL H[8].

An Act respecting the Criminal Law.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short Title.

Short title.

1. This Act may be cited as the *Criminal Code*.

Interpretation.

Definitions.

2. In this Act,

"Act."

(1) "Act" includes

(a) an Act of the Parliament of Canada,

(b) an Act of the legislature of the late province of Canada,

(c) an Act of the legislature of a province, and

(d) an Act or ordinance of the legislature of a province, territory or place in force at the time that province, territory or place became a province of Canada;

"Attorney General."

(2) "Attorney General" means the Attorney General or Solicitor General of a province in which proceedings to which this Act applies are taken and, with respect to the Northwest Territories and the Yukon Territory, means the Attorney General of Canada;

"Bank-note."

(3) "bank-note" includes any negotiable instrument

(a) issued by or on behalf of a person carrying on the business of banking in or out of Canada,

(b) issued under the authority of the Parliament of Canada or under lawful authority of the government of a state other than Canada,

Explanatory Notes.

Unless otherwise indicated, a reference to a section, subsection, paragraph or subparagraph is to the provision in the present *Criminal Code* that corresponds with the provision that appears in the text of the Bill.

1. Section 1.

2. Section 2.
(1) Section 2 (1).

(2) Section 2 (2).

(3) Section 2 (4).

intended to be used as money or as the equivalent of money, immediately upon issue or at some time subsequent thereto, and includes bank bills and bank post bills;

"Canadian Forces."

(4) "Canadian Forces" means the naval, army and air forces of Her Majesty raised by Canada and consist of three services, namely, the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force;

"Cattle."

(5) "cattle" means neat cattle or an animal of the bovine species by whatever technical or familiar name it is known, and includes a horse, mule, ass, pig, sheep or goat;

"Clerk of the court."

(6) "clerk of the court" includes a person, by whatever name or title he may be designated, who from time to time performs the duties of a clerk of the court;

"Counsel."

(7) "counsel" means a barrister or solicitor, in respect of the matters or things that barristers and solicitors, respectively, are authorized by the law of the province to do or perform in relation to legal proceedings;

"Count."

(8) "count" means a charge in an information or indictment;

"Court of appeal."

(9) "court of appeal" means

(a) in the province of Ontario, the Court of Appeal,

(b) in the province of Quebec, the Court of Queen's Bench, appeal side,

(c) in the province of Nova Scotia, the Supreme Court *in banco*,

(d) in the province of New Brunswick, the Court of Appeal, otherwise known as the Appeal Division of the Supreme Court,

(e) in the province of British Columbia, the Court of Appeal,

(f) in the province of Prince Edward Island, the Supreme Court,

(g) in the province of Manitoba, the Court of Appeal,

(h) in the province of Saskatchewan, the Court of Appeal,

(i) in the province of Alberta, the Appellate Division of the Supreme Court,

(j) in the province of Newfoundland, the Supreme Court, constituted by two or more of the judges thereof,

(k) in the Yukon Territory, the Court of Appeal for the province of British Columbia, and

(l) in the Northwest Territories

(i) for those parts of the Territories west of the one hundred and second meridian of west longitude, the court of appeal for the province of Alberta, and

(ii) for those parts of the Territories east of the one hundred and second meridian of west

(4) Section 2 (4*a*).

(5) Section 2 (5).

(6) New.

(7) New.

(8) Section 2 (17).

(9) Section 2 (7).

longitude, the court of appeal for the province of Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia, New Brunswick, Prince Edward Island or Newfoundland;

"Court of criminal jurisdiction."

(10) "court of criminal jurisdiction" means

(a) a court of general or quarter sessions of the peace, when presided over by a superior court judge or a county or district court judge, or in the cities of Montreal and Quebec, by a recorder or judge of the sessions of the peace,

(b) a magistrate or judge acting under Part XVI, and

(c) in the province of New Brunswick, the county court;

"Day."

(11) "day" means the period between six o'clock in the forenoon and nine o'clock in the afternoon of the same day;

"Document of title to goods."

(12) "document of title to goods" includes a bought and sold note, bill of lading, warrant, certificate or order for the delivery or transfer of goods or any other valuable thing, and any other document used in the ordinary course of business as evidence of the possession or control of goods, authorizing or purporting to authorize, by endorsement or by delivery, the person in possession of the document to transfer or receive any goods thereby represented or therein mentioned or referred to;

"Document of title to lands."

(13) "document of title to lands" includes any writing that is or contains evidence of the title, or any part of the title to real property, or to any interest in real property, and any notarial or registrar's copy thereof, and any duplicate instrument, memorial, certificate or document authorized or required by any law in force in any part of Canada with respect to registration of titles, that relates to title to real property or to an interest in real property;

"Dwelling house."

(14) "dwelling house" means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence and includes a building within the curtilage of a dwelling house that is connected to it by a doorway or by a covered and enclosed passageway;

"Every one." "Person." "Owner."

(15) "every one," "person," "owner," and similar expressions include Her Majesty and public bodies, bodies corporate, societies, companies and inhabitants of counties, parishes, municipalities or other districts in relation to the acts and things that they are capable of doing or owning respectively;

"Explosive substance."

(16) "explosive substance" includes

(a) anything intended to be used to make an explosive substance, and

(10) New.

(11) Section 2 (24).

(12) Section 2 (11).

(13) Section 2 (12).

(14) Section 335 (1) *(g)* and section 339, in part.

(15) Section 2 (13).

(16) Section 2 (14).

(*b*) anything, or any part thereof, used or intended to be used, or adapted to cause, or to aid in causing an explosion in or with an explosive substance;

"Feeble-minded person."

(17) "feeble-minded person" means a person in whom there exists and has existed from birth or from an early age, mental defectiveness not amounting to imbecility, but so pronounced that he requires care, supervision and control for his protection or for the protection of others;

"Highway."

(18) "highway" means a road to which the public has the right of access, and includes bridges over which or tunnels through which a road passes;

"Her Majesty's Forces."

(19) "Her Majesty's Forces" means the naval, army and air forces of Her Majesty wheresoever raised, and includes the Canadian Forces;

"Indictment."

(20) "indictment" includes

(*a*) information, presentment and a count therein,

(*b*) a plea, replication or other pleading, and

(*c*) any record;

"Justice."

(21) "justice" means a justice of the peace or a magistrate, and includes two or more justices where two or more justices are, by law, required to act or, by law, act or have jurisdiction;

"Magistrate."

(22) "magistrate" means a police magistrate, a stipendiary magistrate, a district magistrate, a provincial magistrate, a judge of the sessions of the peace, a recorder, or any person having the power and authority of two or more justices of the peace, and includes the lawful deputy of each of them;

"Military."

(23) "military" shall be construed as relating to all or any of the Canadian Forces;

"Military law."

(24) "military law" includes all laws, regulations or orders relating to the Canadian Forces;

"Motor vehicle."

(25) "motor vehicle" means a vehicle that is drawn, propelled or driven by any means, but does not include the cars of an electric or steam railway that operate on rails or a vehicle that is drawn, propelled or driven by muscular power;

"Municipality."

(26) "municipality" includes the corporation of a city, town, village, county, township, parish or other territorial or local division of a province, the inhabitants of which are incorporated or are entitled to hold property collectively for a public purpose;

"Newly-born child."

(27) "newly-born child" means a person under the age of one year;

"Night."

(28) "night" means the period between nine o'clock in the afternoon and six o'clock in the forenoon of the following day;

"Offensive weapon." "Weapon."

(29) "offensive weapon" or "weapon" means

(*a*) anything that is designed to be used as a weapon, and

(17) Section 2 (15).

(18) Section 285 (9).

(19) Section 2 (16*a*).

(20) Section 2 (17).

(21) Section 2 (19).

(22) Section 2 (28).

(23) Section 2 (20*a*).

(24) Section 2 (21).

(25) New.

(26) Section 2 (22).

(27) New.

(28) Section 2 (24).

(29) Section 2 (25).

(*b*) anything that a person uses or intends to use as a weapon, whether or not it is designed to be used as a weapon,

and, without restricting the generality of the foregoing, includes a firearm, air-gun or air-pistol and ammunition for a firearm, air-gun or air-pistol;

"Peace officer." (30) "peace officer" includes

(*a*) a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer and justice of the peace,

(*b*) a warden, deputy warden, instructor, keeper, gaoler, guard and any other officer or permanent employee of a prison,

(*c*) a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process, and

(*d*) an officer or person having the powers of a customs or excise officer when performing any duty in the administration of the *Customs Act* or the *Excise Act;*

"Prison." (31) "prison" includes a penitentiary, common gaol, public or reformatory prison, lock-up, guard-room or other place in which persons who are charged with or convicted of offences are usually kept in custody;

"Property." (32) "property" includes

(*a*) real and personal property of every description and deeds and instruments relating to or evidencing the title or right to property, or giving a right to recover or receive money or goods,

(*b*) property originally in the possession or under the control of any person, and any property into or for which it has been converted or exchanged and anything acquired at any time by such conversion or exchange, and

(*c*) any postal card, postage stamp or other stamp issued or prepared for issue under the authority of the Parliament of Canada or of the legislature of a province for the payment to the Crown or a corporate body of any fee, rate or duty, whether or not it is in the possession of the Crown or of any person;

"Prosecutor." (33) "prosecutor" means the Attorney General or, where the Attorney General does not intervene, means the person who institutes proceedings to which this Act applies, and includes counsel acting on behalf of either of them;

"Public department." (34) "public department" means a department of the Government of Canada or a branch thereof or a board, commission, corporation or other body that is an agent of Her Majesty in right of Canada;

(30) Section 2 (27).

(31) Section 2 (29).

(32) Section 2 (31).

(33) New.

(34) Section 2 (32).

"Public officer."

(35) "public officer" includes

(a) an officer of customs or excise,

(b) an officer of the Canadian Forces,

(c) an officer of the Royal Canadian Mounted Police, and

(d) any officer while he is engaged in enforcing the laws of Canada relating to revenue, customs, excise, trade or navigation;

"Public stores."

(36) "public stores" includes any movable property that is under the care, supervision, administration or control of a public department or of any person in the service of a public department;

"Steal."

(37) "steal" means to commit theft;

"Superior court of criminal jurisdiction."

(38) "superior court of criminal jurisdiction" means

(a) in the province of Ontario, the Supreme Court,

(b) in the province of Quebec, the Court of Queen's Bench,

(c) in the provinces of Nova Scotia, New Brunswick, Alberta and Newfoundland respectively, the Supreme Court,

(d) in the province of British Columbia, the Supreme Court or the Court of Appeal,

(e) in the province of Prince Edward Island, the Supreme Court of Judicature,

(f) in the provinces of Manitoba and Saskatchewan respectively, the Court of Appeal or the Court of Queen's Bench,

(g) in the Yukon Territory, the Territorial Court, and

(h) in the Northwest Territories, the Territorial Court;

"Territorial division."

(39) "territorial division" includes any province, county, union of counties, township, city, town, parish or other judicial division or place to which the context applies;

"Testamentary instrument."

(40) "testamentary instrument" includes any will, codicil or other testamentary writing or appointment, as well during the life of the testator whose testamentary disposition it purports to be as after his death, whether it relates to real or personal property, or to both;

"Trustee."

(41) "trustee" means a person who is declared by any Act to be a trustee or is, by the law of the province, a trustee, and without restricting the generality of the foregoing, includes a trustee on an express trust created by deed, will or instrument in writing, or by parol;

'Valuable security."

(42) "valuable security" includes

(a) an order, exchequer acquittance or other security that entitles or evidences the title of any person

(35) Section 2 (33).

(36) Section 2 (34).

(37) New.
(38) Section 2 (38).

(39) Section 2 (39).

(40) Section 2 (40).

(41) Section 2 (42).

(42) Section 2 (43).

(i) to a share or interest in a public stock or fund or in any fund of a body corporate, company or society, or

(ii) to a deposit in a savings bank or other bank,

(b) a debenture, deed, bond, bill, note, warrant, order or other security for money or for the payment of money,

(c) a document of title to lands or goods wheresoever situate,

(d) a stamp or writing that secures or evidences title to or an interest in a chattel personal, or that evidences delivery of a chattel personal, and

(e) a release, receipt, discharge or other instrument evidencing payment of money;

"Wreck." (43) "wreck" includes the cargo, stores and tackle of a vessel and all parts of a vessel separated from the vessel, and the property of persons who belong to, are on board or have quitted a vessel that is wrecked, stranded or in distress at any place in Canada; and

"Writing." (44) "writing" includes a document of any kind and any mode in which, and any material on which, words or figures, whether at length or abridged, are written, printed or otherwise expressed, or a map or plan is inscribed.

(43) Section 2 (36) and (44).

(44) Section 2 (45).

PART I.

General.

Determination of age.

3. (1) For the purposes of this Act a person shall be deemed to have been of a given age when the anniversary of his birthday, the number of which corresponds to that age, is fully completed, and until then to have been under that age.

Postcard a chattel, value.

(2) For the purposes of this Act a postal card or stamp referred to in subparagraph *(c)* of paragraph (32) of section 2 shall be deemed to be a chattel, and to be equal in value to the amount of the postage, rate or duty expressed on its face.

Value of valuable security.

(3) For the purposes of this Act, the following rules apply for the purpose of determining the value of a valuable security where value is material, namely,

(a) where the valuable security is one mentioned in subparagraph *(a)* or *(b)* of paragraph (42) of section 2, the value is the value of the share, interest, deposit or unpaid money, as the case may be, that is secured by the valuable security;

(b) where the valuable security is one mentioned in subparagraph *(c)* or *(d)* of paragraph (42) of section 2, the value is the value of the lands, goods, chattel personal or interest in the chattel personal, as the case may be; and

(c) where the valuable security is one mentioned in subparagraph *(e)* of paragraph (42) of section 2, the value is the amount of money that has been paid.

Possession.

(4) For the purposes of this Act,

(a) a person has anything in possession when he has it in his personal possession or knowingly

(i) has it in the actual possession or custody of another person, or

(ii) has it in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or of another person; and

(b) where one of two or more persons, with the knowledge and consent of the rest, has anything in his custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

Meaning of expressions taken from other Acts.

(5) Where an offence that is dealt with in this Act relates to a subject that is dealt with in another Act, the words and expressions used in this Act with respect to that offence have, subject to this Act, the meaning assigned to them in that other Act.

3. (1) Subsection (2) of section 2.

(2) Section 3.

(3) Section 4.

(4) Sections 5 (1) *(b)* and (2).

(5) Section 6.

Sexual intercourse.

(6) For the purposes of this Act, sexual intercourse is complete upon penetration to even the slightest degree, notwithstanding that seed is not emitted.

Canadian Forces not affected.

4. Nothing in this Act affects any law relating to the government of the Canadian Forces.

Punishment only after conviction.

5. (1) Where an enactment creates an offence and authorizes a punishment to be imposed in respect thereof,

(a) a person shall be deemed not to be guilty of that offence until he is convicted thereof; and

Punishment only as prescribed.

(b) a person who is convicted of that offence is not liable to any punishment in respect thereof other than the punishment prescribed by this Act or by the enactment that creates the offence.

Offences outside of Canada.

(2) Subject to this Act or any other Act of the Parliament of Canada, no person shall be convicted in Canada for an offence committed outside of Canada.

Application to territories.

6. The provisions of this Act apply throughout Canada except

(a) in the Northwest Territories, in so far as they are inconsistent with the *Northwest Territories Act*, and

R.S., c. 142.

R.S., c. 215.

(b) in the Yukon Territory, in so far as they are inconsistent with the *Yukon Act*.

Application of criminal law of England.

7. (1) The criminal law of England that was in force in a province immediately before the coming into force of this Act continues in force in the province except as altered, varied, modified or affected by this Act or any other Act of the Parliament of Canada.

Common law principles continued.

(2) Every rule and principle of the common law that renders any circumstance a justification or excuse for an act or a defence to a charge continues in force and applies in respect of proceedings for an offence under this Act or any other Act of the Parliament of Canada, except in so far as they are altered by or are inconsistent with this Act or any other Act of the Parliament of Canada.

Criminal offences to be under law of Canada.

8. Notwithstanding anything in this Act or any other Act no person shall be convicted

(a) of an offence at common law,

(b) of an offence under an Act of the Parliament of England, or of Great Britain, or of the United Kingdom of Great Britain and Ireland, or

(c) of an offence under an Act or ordinance in force in any province, territory or place before that province, territory or place became a province of Canada,

but nothing in this section affects the power, jurisdiction or authority that a court, judge, justice or magistrate had, immediately before the coming into force of this Act, to impose punishment for contempt of court.

(6) Section 7.

4. Section 8.

5. (1) Sections 1027, 1030 to 1033 and 1051.

(2) New.

6. Section 9.

7. (1) New.

(2) Section 16.

8. New.

Civil remedy not suspended.

9. No civil remedy for an act or omission is suspended or affected by reason that the act or omission is a criminal offence.

Offence punishable under more than one Act.

10. Where an act or omission is an offence under more than one Act of the Parliament of Canada, whether punishable by indictment or on summary conviction, a person who does the act or makes the omission is, unless a contrary intention appears, subject to proceedings under any of those Acts, but is not liable to be punished more than once for the same offence.

Electing procedure.

11. Where an offence is punishable by indictment or on summary conviction the prosecutor is entitled to elect whether the proceedings shall be by indictment or on summary conviction.

Child under seven.

12. No person shall be convicted of an offence in respect of an act or omission on his part while he was under the age of seven years.

Person between seven and fourteen.

13. No person shall be convicted of an offence in respect of an act or omission on his part while he was seven years of age or more, but under the age of fourteen years, unless he was competent to know the nature and consequences of his conduct and to appreciate that it was wrong.

Consent to death.

14. No person is entitled to consent to have death inflicted upon him, and such consent does not affect the criminal responsibility of any person by whom death may be inflicted upon the person by whom consent is given.

Obedience to *de facto* law.

15. No person shall be convicted of an offence in respect of an act or omission in obedience to the laws for the time being made and enforced by persons in *de facto* possession of the sovereign power in and over the place where the act or omission occurs.

Insanity.

16. (1) No person shall be convicted of an offence in respect of an act or omission on his part while he was insane.

When insane.

(2) For the purposes of this section a person is insane when he is in a state of natural imbecility or has disease of the mind to an extent that renders him incapable of appreciating the nature and quality of an act or omission or of knowing that an act or omission is wrong.

Delusions.

(3) A person who has specific delusions, but is in other respects sane, shall not be acquitted on the ground of insanity unless the delusions caused him to believe in the existence of a state of things that, if it existed, would have justified or excused his act or omission.

9. Section 13.

10. Section 15.

11. New.

12. Section 17.

13. Section 18.

14. Section 67.

15. Section 68.

16. Section 19.

Presumption of sanity.

(4) Every one shall, until the contrary is proved, be presumed to be and to have been sane.

Compulsion by threats.

17. A person who commits an offence under compulsion by threats of immediate death or grievous bodily harm from a person who is present when the offence is committed is excused for committing the offence if he believes that the threats will be carried out and if he is not a party to a conspiracy or association whereby he is subject to compulsion, but this section does not apply where the offence that is committed is treason, murder, piracy, attempted murder, assisting in rape, forcible abduction, robbery, causing bodily harm or arson.

Compulsion of wife.

18. No presumption arises that a married woman who commits an offence does so under compulsion by reason only that she commits it in the presence of her husband.

Ignorance of the law.

19. Ignorance of the law by a person who commits an offence is not an excuse for committing that offence.

Execution of warrant on Sunday or holiday.

20. A warrant that is authorized by this Act may be issued or executed on a Sunday or statutory holiday.

Parties to Offences.

Parties to offence.

21. (1) Every one is a party to an offence who

(a) actually commits it,

(b) does or omits to do anything for the purpose of aiding any person to commit it, or

(c) abets any person in committing it.

Common intention.

(2) Where two or more persons form an intention in common to carry out an unlawful purpose and to assist each other therein and any one of them, in carrying out the common purpose, commits an offence, each of them who knew or ought to have known that the commission of the offence would be a probable consequence of carrying out the common purpose is a party to that offence.

Person counselling offence.

22. (1) Where a person counsels or procures another person to be a party to an offence and that other person is afterwards a party to that offence, the person who counselled or procured is a party to that offence, notwithstanding that the offence was committed in a way different from that which was counselled or procured.

17. Section 20.

18. Section 21.

19. Section 22.

20. Section 661 (3).

21. Section 69.

22. Section 70.

Idem.

(2) Every one who counsels or procures another person to be a party to an offence is a party to every offence that the other commits in consequence of the counselling or procuring that the person who counselled or procured knew or ought to have known was likely to be committed in consequence of the counselling or procuring.

Accessory after the fact.

23. (1) An accessory after the fact to an offence is one who, knowing that a person has been a party to the offence, receives, comforts or assists him for the purpose of enabling him to escape.

Husband or wife, when not accessory.

(2) No married person whose spouse has been a party to an offence is an accessory after the fact to that offence by receiving, comforting or assisting the spouse for the purpose of enabling the spouse to escape.

When wife not accessory.

(3) No married woman whose husband has been a party to an offence is an accessory after the fact to that offence by receiving, comforting or assisting in his presence and by his authority any other person who has been a party to that offence for the purpose of enabling her husband or that other person to escape.

Attempts.

24. (1) Every one who, having an intent to commit an offence, does or omits to do anything for the purpose of carrying out his intention is guilty of an attempt to commit the offence whether or not it was possible under the circumstances to commit the offence.

Question of law.

(2) The question whether an act or omission by a person who has an intent to commit an offence is or is not mere preparation to commit the offence, and too remote to constitute an attempt to commit the offence, is a question of law.

Protection of Persons Administering and Enforcing the Law.

Protection of persons acting under authority.

25. (1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law

(a) as a private person,

(b) as a peace officer or public officer,

(c) in aid of a peace officer or public officer, or

(d) by virtue of his office,

is, if he acts on reasonable and probable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

23. Section 71.

24. Section 72.

25. Sections 23 to 27, 29, 30 to 37, 39, 41 to 45.

Idem.

(2) Where a person is required or authorized by law to execute a process or to carry out a sentence, he or any person who assists him is, if he acts in good faith, justified in executing the process or in carrying out the sentence notwithstanding that the process or sentence is defective or that it was issued or imposed without jurisdiction or in excess of jurisdiction.

When not protected.

(3) Notwithstanding subsection (1) a person is not justified for the purposes of that subsection in using force that is intended or is likely to cause death or grievous bodily harm unless he believes on reasonable and probable grounds that it is necessary for the purpose of preserving himself or any one under his protection from death or grievous bodily harm.

Excessive force.

26. Every one who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.

Use of force to prevent commission of offence.

27. Every one is justified in using as much force as is reasonably necessary

(a) to prevent the commission of an offence

(i) for which, if it were committed, the person who committed it might be arrested without warrant, and

(ii) that would be likely to cause immediate and serious injury to the person or property of anyone; or

(b) to prevent anything being done that, on reasonable and probable grounds he believes would, if it were done, be an offence mentioned in paragraph *(a)*.

Arrest of wrong person.

28. (1) Where a person who is authorized to execute a warrant to arrest believes, in good faith and on reasonable and probable grounds, that the person whom he arrests is the person named in the warrant, he is justified in respect thereof to the same extent as if that person were the person named in the warrant.

Person assisting.

(2) Where a person is authorized to execute a warrant to arrest,

(a) every one who, being called upon to assist him, believes that the person in whose arrest he is called upon to assist is the person named in the warrant, and

(b) every keeper of a prison who is required to receive and detain a person who he believes has been arrested under the warrant,

is justified in respect thereof to the same extent as if that person were the person named in the warrant.

26. Section 66.

27. Section 52.

28. Section 28.

Duty of person arresting.

29. (1) It is the duty of every one who executes a process or warrant to have it with him, where it is feasible to do so, and to produce it when requested to do so.

Notice.

(2) It is the duty of every one who arrests a person, whether with or without warrant, to give notice to that person, where it is feasible to do so, of

(a) the process or warrant under which he makes the arrest, or

(b) the reason for the arrest.

Failure to comply.

(3) Failure to comply with subsection (1) or (2) does not of itself deprive a person who executes a process or warrant, or a person who makes an arrest, or those who assist them, of protection from criminal responsibility.

Preventing breach of peace.

30. Every one who witnesses a breach of the peace is justified in interfering to prevent the continuance or renewal thereof and may detain any person who commits or is about to join in or to renew the breach of the peace, for the purpose of giving him into the custody of a peace officer, if he uses no more force than is reasonably necessary to prevent the continuance or renewal of the breach of the peace or than is reasonably proportioned to the danger to be apprehended from the continuance or renewal of the breach of the peace.

Arrest for breach of peace.

31. (1) Every peace officer who witnesses a breach of the peace and every one who lawfully assists him is justified in arresting any person whom he finds committing the breach of the peace or who, on reasonable and probable grounds, he believes is about to join in or renew the breach of the peace.

Giving person in charge.

(2) Every peace officer is justified in receiving into custody any person who is given into his charge as having been a party to a breach of the peace by one who has, or who on reasonable and probable grounds he believes has, witnessed the breach of the peace.

Suppression of Riots.

Use of force to suppress riot.

32. (1) Every peace officer is justified in using or in ordering the use of as much force as he believes, in good faith and on reasonable and probable grounds,

(a) is necessary to suppress a riot, and

(b) is not excessive, having regard to the danger to be apprehended from the continuance of the riot.

Person bound by military law.

(2) Every one who is bound by military law to obey the command of his superior officer is justified in obeying any command given by his superior officer for the suppression of a riot unless the order is manifestly unlawful.

29. Section 40.

30. Section 46.

31. Section 47.

32. Sections 48, 49, 50 and 51.

Obeying order of peace officer.

(3) Every one is justified in obeying an order of a peace officer to use force to suppress a riot if

(a) he acts in good faith, and

(b) the order is not manifestly unlawful.

Apprehension of serious mischief.

(4) Every one who, in good faith and on reasonable and probable grounds, believes that serious mischief will result from a riot before it is possible to secure the attendance of a peace officer is justified in using as much force as he believes in good faith and on reasonable grounds,

(a) is necessary to suppress the riot, and

(b) is not excessive, having regard to the danger to be apprehended from the continuance of the riot.

Question of law.

(5) For the purposes of this section the question whether an order is manifestly unlawful or not is a question of law.

Duty of officers if rioters do not disperse.

33. (1) Where the proclamation referred to in section 68 has been made or an offence against paragraph *(a)* or *(b)* of section 69 has been committed, it is the duty of a peace officer and of a person who is lawfully required by him to assist, to disperse or to arrest persons who do not comply with the proclamation.

Protection of officers.

(2) No civil or criminal proceedings lie against a peace officer or a person who is lawfully required by a peace officer to assist him in respect of any death or injury that is caused as a result of the performance by the peace officer or that person of a duty that is imposed by subsection (1).

Section not restrictive.

(3) Nothing in this section limits or affects any powers, duties or functions that are conferred or imposed by this Act with respect to the suppression of riots.

Defence of person.

Self defence against unprovoked assault.

34. (1) Every one who is unlawfully assaulted without having provoked the assault is justified in repelling force by force if the force he uses is not intended to cause death or grievous bodily harm and is no more than is necessary to enable him to defend himself.

Extent of justification.

(2) Every one who is unlawfully assaulted and who causes death or grievous bodily harm in repelling the assault is justified if

(a) 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 purposes, and

(b) he believes, on reasonable and probable grounds, that he cannot otherwise preserve himself from death or grievous bodily harm.

33. Section 93.

34. Section 53 (1) and (2).

Self defence in case of aggression.

35. Every one who has without justification assaulted another but did not commence the assault with intent to cause death or grievous bodily harm, or has without justification provoked an assault upon himself by another, may justify the use of force subsequent to the assault if

(a) he uses the force

(i) under reasonable apprehension of death or grievous bodily harm from the violence of the person whom he has assaulted or provoked, and

(ii) in the belief, on reasonable and probable grounds, that it is necessary in order to preserve himself from death or grievous bodily harm;

(b) he did not, at any time before the necessity of preserving himself from death or grievous bodily harm arose, endeavour to cause death or grievous bodily harm; and

(c) he declined further conflict and quitted or retreated from it as far as it was feasible to do so before the necessity of preserving himself from death or grievous bodily harm arose.

Provocation.

36. Provocation includes, for the purposes of sections 34 and 35, provocation by blows, words or gestures.

Preventing assault.

37. (1) Every one is justified in using force to defend himself or any one under his protection from assault, if he uses no more force than is necessary to prevent the assault or the repetition of it.

Extent of justification.

(2) Nothing in this section shall be deemed to justify the wilful infliction of any hurt or mischief that is excessive, having regard to the nature of the assault that the force used was intended to prevent.

Defence of Property.

Defence of movable property.

38. (1) Every one who is in peaceable possession of movable property, and every one lawfully assisting him, is justified

(a) in preventing a trespasser from taking it, or

(b) in taking it from a trespasser who has taken it,

if he does not strike or cause bodily harm to the trespasser.

Assault by trespasser.

(2) Where a person who is in peaceable possession of movable property lays hands upon it, a trespasser who persists in attempting to keep it or take it from him or from any one lawfully assisting him shall be deemed to commit an assault without justification or provocation.

35. Section 54 (1).

36. Sections 53 (3) and 54 (2).

37. Section 55.

38. Section 56.

Defence with claim of right.

39. (1) Every one who is in peaceable possession of movable property under a claim of right, and every one acting under his authority is protected from criminal responsibility for defending that possession, even against a person entitled by law to possession of it, if he uses no more force than is necessary.

Defence without claim of right.

(2) Every one who is in peaceable possession of movable property, but does not claim it as of right or act under the authority of a person who claims it as of right, is not justified or protected from criminal responsibility for defending his possession against a person who is entitled by law to possession of it.

Defence of dwelling.

40. Every one who is in peaceable possession of a dwelling house, and every one lawfully assisting him or acting under his authority, is justified in using as much force as is necessary to prevent any person from forcibly breaking into or forcibly entering the dwelling house without lawful authority.

Defence of house or land.

41. (1) Every one who is in peaceable possession of a dwelling house or land and every one lawfully assisting him or acting under his authority is justified in using force to prevent any person from trespassing on the dwelling house or land, or to remove a trespasser therefrom, if he uses no more force than is necessary.

Assault by trespasser.

(2) A trespasser who resists an attempt by a person who is in peaceable possession of a dwelling house or land or a person lawfully assisting him or acting under his authority to prevent his entry or to remove him, shall be deemed to commit an assault without justification or provocation.

Assertion of right to house or land.

42. (1) Every one is justified in peaceably entering a dwelling house or land by day to take possession of it if he, or some person under whose authority he acts, is lawfully entitled to possession of it.

Assault in case of lawful entry.

(2) Where a person

(a) not having peaceable possession of a dwelling house or land under a claim of right, or

(b) not acting under the authority of a person who has peaceable possession of a dwelling house or land under a claim of right,

assaults a person who is lawfully entitled to possession of it and who is entering it peaceably by day to take possession of it, for the purpose of preventing him from entering, the assault shall be deemed to be without justification or provocation.

Trespasser provoking assault.

(3) Where a person

(a) having peaceable possession of a dwelling house or land under a claim of right, or

39. Sections 57 and 58.

40. Sections 59 and 60.

41. Section 61.

42. Section 62.

(b) acting under the authority of a person who has peaceable possession of a dwelling house or land under a claim of right,

assaults any person who is lawfully entitled to possession of it and who is entering it peaceably by day to take possession of it, for the purpose of preventing him from entering, the assault shall be deemed to be provoked by the person who is entering.

Protection of Persons in Authority.

Correction of child by force.

43. Every schoolteacher, master, parent or person standing in the place of a parent is justified in using force by way of correction towards a pupil, apprentice or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

Master of ship maintaining discipline.

44. The master or officer in command of a vessel on a voyage is justified in using as much force as he believes, on reasonable and probable grounds, is necessary for the purpose of maintaining good order and discipline on the vessel.

Surgical operations.

45. Every one is protected from criminal responsibility for performing a surgical operation upon any person for the benefit of that person if

(a) the operation is performed with reasonable care and skill, and

(b) it is reasonable to perform the operation, having regard to the state of health of the person at the time the operation is performed and to all the circumstances of the case.

43. Section 63.

44. Section 64.

45. Section 65.

PART II.

OFFENCES AGAINST PUBLIC ORDER.

Treason and other Offences against the Queen's Authority and Person.

Treason.

46. (1) Every one commits treason who, in Canada,

(a) kills or attempts to kill Her Majesty;

(b) levies war against Canada or does any act preparatory thereto;

(c) assists an enemy at war with Canada, or any armed forces against whom Canadian forces are engaged in hostilities whether or not a state of war exists between Canada and the country whose forces they are;

(d) uses force or violence for the purpose of overthrowing the government of Canada or a province;

(e) conspires with an agent of a state other than Canada to communicate information or to do an act that is likely to be prejudicial to the safety or interests of Canada;

(f) conspires with any person to do anything mentioned in paragraphs *(a)* to *(d)*; or

(g) forms an intention to do anything mentioned in paragraphs *(a)* to *(e)* and manifests that intention by an overt act.

Canadian citizen or person owing allegiance.

(2) Notwithstanding subsection (1), a Canadian citizen or a person who owes allegiance to Her Majesty in right of Canada commits treason if, while in or out of Canada, he does anything mentioned in subsection (1).

Overt act.

(3) Where it is treason to conspire with any person, the act of conspiring is an overt act of treason.

Punishment.

47. (1) Every one who commits treason is guilty of an indictable offence and is liable

(a) to be sentenced to death, or

(b) to imprisonment for life.

Corroboration.

(2) No person shall be convicted of treason upon the evidence of only one witness, unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

Limitation.

48. (1) No proceedings for an offence of treason as defined by paragraph *(d)* of subsection (1) of section 46 shall be commenced more than three years after the time when the offence is alleged to have been committed.

46. Sections 74, 75, 77 and 78.

47. (1) Section 74 (2).

(2) Section 1002.

48. (1) Section 1140 (1) *(a)*.

Information for treasonable words.

(2) No proceedings shall be commenced under section 47 in respect of an overt act of treason expressed or declared by open and considered speech unless

(a) an information setting out the overt act and the words by which it was expressed or declared is laid under oath before a justice within six days after the time when the words are alleged to have been spoken, and

(b) a warrant for the arrest of the accused is issued within ten days after the time when the information is laid.

Sabotage.

49. (1) Every one who does a prohibited act for a purpose prejudicial to

(a) the safety or interests of Canada, or

(b) the safety or security of the naval, army or air forces of any state other than Canada that are lawfully present in Canada,

is guilty of an indictable offence and is liable to imprisonment for ten years.

"Prohibited act."

(2) In this section, "prohibited act" means an act or omission that

(a) impairs the efficiency or impedes the working of any vessel, vehicle, aircraft, machinery, apparatus or other thing, or

(b) causes property, by whomsoever it may be owned, to be lost, damaged or destroyed.

Assisting alien enemy to leave Canada.

50. (1) Every one commits an offence who

(a) incites or assists a subject of

(i) a state that is at war with Canada, or

(ii) a state against whose forces Canadian forces are engaged in hostilities, whether or not a state of war exists between Canada and the state whose forces they are,

to leave Canada without the consent of the Crown, unless the accused establishes that assistance to the state referred to in subparagraph (i) or the forces of the state referred to in subparagraph (ii), as the case may be, was not intended thereby, or

Omitting to prevent treason.

(b) knowing that a person is about to commit treason does not, with all reasonable dispatch, inform a justice of the peace or other peace officer thereof or make other reasonable efforts to prevent that person from committing treason.

Punishment.

(2) Every one who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Intimidating Parliament or legislature.

51. Every one who does an act of violence in order to intimidate the Parliament of Canada or the legislature of a province is guilty of an indictable offence and is liable to imprisonment for fourteen years.

(2) Section 1140 (2).

49. Section 509A.

50. Section 76. Subparagraph (ii) of paragraph *(a)* of subclause (1) is new.

51. Section 79.

Acts intended to alarm Her Majesty or break public peace.

52. Every one who wilfully, in the presence of Her Majesty,

(a) does an act with intent to alarm Her Majesty or to break the public peace, or

(b) does an act that is intended or is likely to cause bodily harm to Her Majesty,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Inciting to mutiny.

53. Every one who

(a) attempts, for a traitorous or mutinous purpose, to seduce a member of the Canadian Forces from his duty and allegiance to Her Majesty, or

(b) attempts to incite or to induce a member of the Canadian Forces to commit a traitorous or mutinous act,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Assisting deserter.

54. Every one who aids, assists, harbours or conceals a person who he knows is a deserter or absentee without leave from the Canadian Forces is guilty of an offence punishable on summary conviction, but no proceedings shall be instituted under this section without the consent of the Attorney General of Canada.

Evidence of overt acts.

55. In proceedings for an offence against any provision in section 47 or sections 49 to 53, no evidence is admissible of an overt act unless that overt act is set out in the indictment or unless the evidence is otherwise relevant as tending to prove an overt act that is set out therein.

Resisting execution of search warrant.

56. Every one who resists the execution of a warrant that authorizes a building to be broken open for the purpose of searching for a deserter or an absentee without leave from the Canadian Forces is guilty of an offence punishable on summary conviction.

Offences in relation to members of R.C.M.Police.

57. Every one who

(a) procures, persuades or counsels a member of the Royal Canadian Mounted Police to desert or absent himself without leave,

(b) aids, assists, harbours or conceals a member of the Royal Canadian Mounted Police who he knows is a deserter or absentee without leave, or

(c) aids or assists a member of the Royal Canadian Mounted Police to desert or absent himself without leave, knowing that the member is about to desert or absent himself without leave,

is guilty of an offence punishable on summary conviction.

52. Section 80.

53. Section 81.

54. Section 82.

55. Section 847 (1).

56. Section 83.

57. Section 84.

Passports.

False statement to procure passport.

58. (1) Every one who, while in or out of Canada, for the purpose of procuring a passport or a visa thereof or an endorsement thereon for himself or any other person, makes a written or verbal statement that he knows is false or misleading is guilty of an indictable offence and is liable to imprisonment for two years.

"Passport."

(2) In this section, "passport" includes

(a) a document issued by or under the authority of the Secretary of State for External Affairs for the purpose of identifying the holder thereof, and

(b) an emergency certificate authorized by the Secretary of State for External Affairs to be issued in lieu of a passport by a person duly authorized to issue passports outside of Canada.

Fraudulent use of certificate of citizenship.

59. (1) Every one who

(a) uses a certificate of citizenship or a certificate of naturalization for a fraudulent purpose, or

(b) being a person to whom a certificate of citizenship or a certificate of naturalization has been granted, knowingly parts with the possession of that certificate with intent that it should be used for a fraudulent purpose,

is guilty of an indictable offence and is liable to imprisonment for two years.

"Certificate of citizenship." "Certificate of naturalization."

(2) In this section, "certificate of citizenship" and "certificate of naturalization", respectively, mean a certificate of citizenship and a certificate of naturalization as defined by the *Canadian Citizenship Act.*

Sedition.

"Seditious words."

60. (1) Seditious words are words that express a seditious intention.

"Seditious libel."

(2) A seditious libel is a libel that expresses a seditious intention.

"Seditious conspiracy."

(3) A seditious conspiracy is an agreement between two or more persons to carry out a seditious intention.

"Seditious intention."

(4) Without limiting the generality of the meaning of the expression "seditious intention", every one shall be presumed to have a seditious intention who

(a) teaches or advocates, or

(b) publishes or circulates any writing that advocates,

the use, without the authority of law, of force as a means of accomplishing a governmental change within Canada.

58. Sections 405A and 405C.

59. Section 405B.

60. Sections 133 and 133A.

Exception.

(5) Notwithstanding subsection (4), no person shall be deemed to have a seditious intention by reason only that he intends, in good faith,

(a) to show that Her Majesty has been misled or mistaken in her measures,

(b) to point out errors or defects in

(i) the government or constitution of Canada or a province,

(ii) the Parliament of Canada or the legislature of a province, or

(iii) the administration of justice in Canada,

(c) to procure, by lawful means, the alteration of any matter of government in Canada, or

(d) to point out, for the purpose of removal, matters that produce or tend to produce feelings of hostility and ill-will between different classes of persons in Canada.

Punishment of seditious offences.

61. Every one who

(a) speaks seditious words,

(b) publishes a seditious libel, or

(c) is a party to a seditious conspiracy,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Libel on head of foreign state.

62. Every one who, without lawful justification, publishes a libel that tends to degrade, revile or expose to hatred and contempt in the estimation of the people of a foreign state any person who exercises sovereign authority over that state is guilty of an indictable offence and is liable to imprisonment for two years.

Offences in relation to military forces and R.C.M. Police.

63. (1) Every one who

(a) interferes with, impairs or influences the loyalty or discipline of a member of a force,

(b) publishes, edits, issues, circulates or distributes a writing that advises, counsels or urges insubordination, disloyalty, mutiny or refusal of duty by a member of a force, or

(c) advises, counsels, urges or in any manner causes insubordination, disloyalty, mutiny or refusal of duty by a member of a force,

is guilty of an indictable offence and is liable to imprisonment for five years.

61. Section 134.

62. Section 135.

63. Section 132A.

"Member of a force."

(2) In this section, "member of a force" means a member of

(a) the Canadian Forces,

(b) the naval, army or air forces of a state other than Canada that are lawfully present in Canada, or

(c) the Royal Canadian Mounted Police.

Unlawful Assemblies and Riots.

"Unlawful assembly."

64. (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 they are assembled as to cause persons in the neighbourhood of the assembly to fear, on reasonable grounds, that they

(a) will disturb the peace tumultuously, or

(b) will by that assembly needlessly and without reasonable cause provoke other persons to disturb the peace tumultuously.

Lawful assembly becoming unlawful.

(2) Persons who are lawfully assembled may become an unlawful assembly if they conduct themselves with a common purpose in a manner that would have made the assembly unlawful if they had assembled in that manner for that purpose.

Exception.

(3) Persons are not unlawfully assembled by reason only that they are assembled to protect the dwelling house of any one of them against persons who are threatening to break and enter it for the purpose of committing an indictable offence therein.

"Riot."

65. A riot is an unlawful assembly that has begun to disturb the peace tumultuously.

Punishment of rioter.

66. Every one who takes part in a riot is guilty of an indictable offence and is liable to imprisonment for two years.

Punishment of member of unlawful assembly.

67. Every one who is a member of an unlawful assembly is guilty of an offence punishable on summary conviction.

Reading proclamation.

68. A justice, mayor or sheriff or the lawful deputy of a mayor or sheriff who receives notice that, at any place within his jurisdiction, twelve or more persons are unlawfully and riotously assembled together, shall go to that place and, after approaching as near as safely he may do, shall command silence and thereupon make or cause to be made in a loud voice a proclamation in the following words or to the like effect:

64. Section 87.

65. Section 88.

66. Section 90.

67. Section 89.

68. Section 91.

Her Majesty the Queen 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 for which, upon conviction, they may be sentenced to imprisonment for life.

GOD SAVE THE QUEEN.

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

Preventing proclamation.

(a) opposes, hinders or assaults, wilfully and with force, a person who begins to make or is about to begin to make or is making the proclamation referred to in section 68 so that it is not made,

Failure to disperse and depart.

(b) does not peaceably disperse and depart from a place where the proclamation referred to in section 68 is made immediately after it is made, or

Failure to depart.

(c) does not depart from a place immediately when he has reasonable ground to believe that the proclamation referred to in section 68 would have been made in that place if some person had not opposed, hindered or assaulted, wilfully and with force, a person who would have made it.

Neglect by peace officer.

70. A peace officer who receives notice that there is a riot within his jurisdiction and, without reasonable excuse, fails to take all reasonable steps to suppress the riot is guilty of an indictable offence and is liable to imprisonment for two years.

UNLAWFUL DRILLING.

Orders by Governor in Council.

71. (1) The Governor in Council may from time to time by proclamation make orders

(a) to prohibit assemblies, without lawful authority, of persons for the purpose

(i) of training or drilling themselves,

(ii) of being trained or drilled to the use of arms, or

(iii) of practising military exercises; or

(b) to prohibit persons when assembled for any purpose from training or drilling themselves or from being trained or drilled.

General or special order.

(2) An order that is made under subsection (1) may be general or may be made applicable to particular places, districts or assemblies to be specified in the order.

Punishment.

(3) Every one who contravenes an order made under this section is guilty of an indictable offence and is liable to imprisonment for five years.

69. Section 92.

70. Section 94.

71. Section 99.

Duels.

Duelling.

72. Every one who

(a) challenges or attempts by any means to provoke another person to fight a duel, or

(b) attempts to provoke a person to challenge another person to fight a duel,

is guilty of an indictable offence and is liable to imprisonment for two years.

Forcible Entry and Detainer.

"Forcible entry."

73. (1) A person commits forcible entry when he enters real property that is in actual and peaceable possession of another in a manner that is likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, whether or not he is entitled to enter.

"Forcible detainer."

(2) A person commits forcible detainer when, being in actual possession of real property without colour of right, he detains it in a manner that is likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, against a person who is entitled by law to possession of it.

Questions of law.

(3) The questions whether a person is in actual and peaceable possession or is in actual possession without colour of right are questions of law.

Punishment.

74. Every one who commits forcible entry or forcible detainer is guilty of an indictable offence and is liable to imprisonment for two years.

Piracy.

Piracy by law of nations.

75. (1) Every one commits piracy who does any act that, by the law of nations, is piracy.

Punishment.

(2) Every one who commits piracy while in or out of Canada is guilty of an indictable offence and is liable to imprisonment for life, but if while committing or attempting to commit piracy he murders or attempts to murder another person or does any act that is likely to endanger the life of another person he shall be sentenced to death.

Piratical acts.

76. Every one who, while in or out of Canada,

(a) without lawful authority throws overboard or destroys anything that is part of the cargo, supplies or fittings in a Canadian ship,

(b) steals a Canadian ship or anything therein,

72. Section 101.

73. Section 102.

74. Section 103.

75. Sections 137 and 139.

76. Section 138.

(c) does or attempts to do a mutinous act on a Canadian ship, or

(d) counsels or procures a person to do anything mentioned in paragraph (a), (b) or (c),

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Dangerous Substances.

Causing bodily harm by explosion.

Causing dangerous explosion.

77. Every one who wilfully

(a) causes an explosion of an explosive substance that does bodily harm to any person, or

(b) causes an explosion of an explosive substance that is likely to endanger life or to cause serious damage to property, whether or not life is endangered or property is damaged thereby,

is guilty of an indictable offence and is liable to imprisonment for life.

Placing etc., dangerous substances with intent.

78. Every one who

(a) with intent to do bodily harm to any person

(i) causes an explosive substance to explode,

(ii) sends or delivers to a person or causes a person to take or receive an explosive substance or other dangerous substance or thing, or

(iii) places or throws anywhere or at or upon a person a corrosive fluid, explosive substance or any other dangerous substance or thing; or

(b) with intent to destroy or damage property places or throws an explosive substance anywhere,

is guilty of an indictable offence and is liable

(c) for an offence under paragraph (a), to imprisonment for life, or

(d) for an offence under paragraph (b), to imprisonment for fourteen years.

Intent to cause explosion.

Making or possessing explosive with intent.

79. Every one who wilfully

(a) does anything with intent to cause an explosion of an explosive substance that is likely to endanger life, or to cause serious damage to property; or

(b) makes or has in his possession or under his control an explosive substance with intent thereby

(i) to endanger life or to cause serious damage to property, or

(ii) to enable another person thereby to endanger life or to cause serious injury to property,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

77. Sections 111 and 279.

78. Sections 112 and 280.

79. Section 113.

Possessing explosive without lawful excuse.

80. Every one who without lawful excuse, the proof of which lies upon him,

(a) makes or has in his possession or under his control an explosive substance in circumstances that give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful purpose, or

(b) has in his possession a bomb, grenade or other explosive weapon,

is guilty of an indictable offence and is liable to imprisonment for five years.

Prize Fights.

Engaging in prize fight.

81. (1) Every one who

(a) engages as a principal in a prize fight,

(b) advises, encourages or promotes a prize fight, or

(c) is present at a prize fight as an aid, second, surgeon, umpire, backer or reporter,

is guilty of an offence punishable on summary conviction.

"Prize fight."

(2) In this section, "prize fight" means an encounter or fight with fists or hands between two persons who have met for that purpose by previous arrangement made by or for them, but a boxing contest between amateur sportsmen, where the contestants wear boxing gloves of not less than five ounces each in weight, or any boxing contest held with the permission or under the authority of an athletic board or commission or similar body established by or under the authority of the legislature of a province for the control of sport within the province, shall be deemed not to be a prize fight.

Offensive Weapons.

Possession of weapon.

82. Every one who carries or has in his custody or possession an offensive weapon for a purpose dangerous to the public peace or for the purpose of committing an offence is guilty of an indictable offence and is liable to imprisonment for five years.

Carrying weapon while in possession of anything liable to seizure.

83. Every one who, while carrying an offensive weapon, has custody or possession of anything that he knows is liable to seizure under any law relating to customs, excise, trade or navigation is guilty of an indictable offence and is liable to imprisonment for ten years.

Carrying concealed weapon.

84. Every one who carries concealed an offensive weapon other than a pistol or revolver is guilty of an offence punishable on summary conviction.

80. Section 114.

81. (1) Sections 105 and 106.

(2) Section 2 (30).

82. Sections 115 and 463.

83. Section 116.

84. Section 117.

Short-barrel shot-gun or rifle.

85. (1) Every one who carries or has in his custody or possession a sawed-off shot-gun or sawed-off rifle, with a barrel less than twenty inches in length, is guilty of an indictable offence and is liable to imprisomnent for five years.

Silencers.

(2) Every one who, without lawful excuse, the proof of which lies upon him, has in his possession any device or contrivance designed or intended to muffle or stop the sound or report of a firearm is guilty of an offence punishable on summary conviction.

Pointing firearm.

86. Every one who, without lawful excuse, points at another person a firearm, air-gun or air-pistol, whether loaded or unloaded, is guilty of an offence punishable on summary conviction.

While attending public meeting.

87. Notwithstanding anything in this Act, every one who has an offensive weapon in his possession while he is attending or is on his way to attend a public meeting is guilty of an offence punishable on summary conviction.

Delivering firearms to minors.

88. (1) Every one who sells, barters, gives, lends, transfers or delivers a firearm, air-gun or air-pistol or ammunition therefor to a person under the age of fourteen years who does not have a valid permit in Form 45 is guilty of an offence punishable on summary conviction.

Seizure.

(2) Notwithstanding section 96, a peace officer who finds a person under the age of fourteen years in possession of a firearm, air-gun, air-pistol or ammunition therefor without a valid permit in Form 45 relating to that firearm, air-gun, air-pistol or ammunition may seize it, and upon seizure it is forfeited to Her Majesty and may be disposed of as the Attorney General may direct.

Unauthorized issue of certificates or permits.

89. Every one who, not being a local registrar of firearms or a person authorized to issue permits, purports to issue a firearms registration certificate or permit, as the case may be, is guilty of an offence punishable on summary conviction.

Unregistered firearm in dwelling house.

90. (1) Every one commits an offence who has an unregistered firearm in his dwelling house or place of business.

Firearm elsewhere than in dwelling house without permit.

(2) Every one commits an offence who has a firearm elsewhere than in his dwelling house or place of business, unless he has a valid permit in Form 42 or Form 44 relating to that firearm.

Firearm in motor vehicle.

(3) Every one who is an occupant of a motor vehicle in which he knows there is a firearm commits an offence unless some occupant of the motor vehicle has a valid permit in Form 42 or Form 44 relating to that firearm.

Buying and selling firearms.

(4) Every one commits an offence who conducts, operates, or engages in the business of buying or selling firearms at retail unless he has a permit in Form 43.

85. (1) Section 118.

(2) New.

86. Section 119.

87. New.

88. Section 120.

89. Section 121.

90. Section 122.

Transfer of firearm.

(5) Every one who sells, barters or makes a gift of a firearm commits an offence if he delivers it before

(a) it is registered in the name of the purchaser or the person to whom it is bartered or given, or

(b) the purchaser or the person to whom it is bartered or given has a valid permit, as contained in Form 44, relating to that firearm.

Accepting firearm.

(6) Every one who buys or accepts in barter or as a gift a firearm commits an offence if he receives delivery of it before

(a) it is registered in his name, or

(b) he has a valid permit, as contained in Form 44, relating to that firearm.

Finding firearm.

(7) Every one commits an offence who, upon finding a firearm that he has reasonable grounds to believe has been lost or abandoned, does not forthwith

(a) deliver it to a peace officer, or

(b) report to a peace officer that he has found it.

Tampering with serial number, certificate or permit.

(8) Every one commits an offence who, without lawful authority, the proof of which lies upon him,

(a) alters, defaces or removes a serial number on a firearm, or

(b) alters, defaces or falsifies a firearms registration certificate or permit.

Punishment.

(9) Every one who commits an offence under this section is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

Retail transactions in firearms.

91. (1) Every one who conducts, operates or engages in the business of buying and selling firearms at retail

(a) shall keep a record of every transaction that he enters into with respect to firearms, and

(b) shall produce that record for inspection at the request of a peace officer.

Punishment.

(2) Every one who fails to comply with subsection (1) is guilty of an offence punishable on summary conviction.

Onus of proof.

92. (1) Where, in proceedings under section 88 or 90, any question arises with respect to permits or registration certificates, the onus lies upon the accused to prove that he has the permit or registration certificate.

Evidence.

(2) A permit or registration certificate is *prima facie* evidence of its contents and of the signature and official character of the person by whom it purports to be signed.

Registry.

93. (1) The Commissioner shall cause a registry to be maintained in which shall be kept a record of every firearms registration certificate that is issued under the authority of this Act.

91. Section 123.

92. New.

93. Section 124.

Application for registration.

(2) An application for registration of a firearm shall be made on Form 44 to a local registrar of firearms.

Duties of local registrar.

(3) A local registrar of firearms who receives an application for registration of a firearm shall, after signing the application,

(a) send one copy thereof to the Commissioner,

(b) deliver one copy thereof to the applicant, and

(c) retain one copy thereof.

Duty of Commissioner.

(4) The Commissioner shall, upon receipt of an application for registration of a firearm signed by the applicant and a local registrar of firearms, cause a firearms registration certificate to be issued in the name of the applicant in respect of the firearm described in the application.

Form of certificate.

(5) Firearms registration certificates shall be in a form to be prescribed by the Commissioner.

Refusal of application.

(6) A local registrar of firearms shall refuse to accept an application for registration of a firearm that does not bear a serial number sufficient, in his opinion, to distinguish it from other firearms.

Exception.

(7) Subsection (6) does not apply to firearms that, in the opinion of a local registrar of firearms, are useful or valuable only as antiques.

Evidence of registration.

(8) A firearms registration certificate is *prima facie* evidence that the firearm to which it relates is registered.

Who may issue permits in Form 42.

94. (1) A permit in Form 42 may be issued by

(a) the Commissioner or a person authorized in writing by him, or

(b) the Attorney General of a province or a person authorized in writing by him.

In Form 43.

(2) A permit in Form 43 may be issued by a local registrar of firearms.

In Form 44.

(3) A permit to convey, as contained in Form 44, may be issued by a local registrar of firearms to authorize a person who buys, accepts in barter, accepts as a gift or finds a firearm that is not registered in his name, to convey the firearm from the place where he takes delivery of it or from his place of residence or business to the office of the local registrar of firearms and thence to his place of residence or business.

Permit in Form 42—when issued.

(4) A permit in Form 42 shall be issued only where the person who issues it is satisfied that the applicant for the permit requires the firearm to which it relates

(a) to protect his life or property,

(b) for use in connection with his profession or occupation, or

(c) for use in target practice in connection with a shooting club approved by the Attorney General of the province in which the shooting club is situated.

94. Section 125.

Validity of permit in Form 42 or 45.

(5) A permit in Form 42 or Form 45 is valid until

(a) the expiration of the period for which it is expressed to be issued,

(b) it is revoked, or

(c) the expiration of the calendar year in which it is issued,

whichever is the earliest.

Validity of permit in Form 43.

(6) A permit in Form 43 is valid until it is revoked.

Validity of permit in Form 44.

(7) A permit as contained in Form 44 is valid only during the period for which it is expressed to be valid.

Permits supplied by Commissioner.

(8) Permits shall be supplied in blank by the Commissioner to persons who are authorized to issue them.

Revocation.

95. Permits may be revoked by any person who is authorized to issue them.

Search and seizure.

96. (1) Whenever a peace officer believes on reasonable grounds that an offence is being committed or has been committed against any of the provisions of sections 82 to 91 he may search, without warrant, a person or vehicle, or premises other than a dwelling house, and may seize anything by means of or in relation to which he reasonably believes the offence is being committed or has been committed.

Detention.

(2) Anything seized pursuant to subsection (1) may be detained for a period of two months following the time of seizure unless during that period proceedings are instituted, in which case it may be further detained until the proceedings are concluded.

Forfeiture.

(3) Where a person is convicted of an offence against any of the provisions of sections 82 to 91, anything by means of or in relation to which the offence was committed, upon such conviction, in addition to any punishment imposed, is forfeited to Her Majesty and may be disposed of as the Attorney General may direct.

Persons who do not commit offences. Wholesalers.

97. (1) A person does not commit an offence under subsection (1) or (5) of section 90 by doing anything mentioned in those subsections in the ordinary course of conducting, operating or engaging in the business of buying and selling firearms at wholesale.

Exception.

(2) A person does not commit an offence under subsection (1) of section 90 by doing anything mentioned in that subsection in the ordinary course of conducting, operating or engaging in

Repairers.

(a) the business of repairing firearms, or

Retailers.

(b) the business of buying and selling firearms or revolvers at retail, if he has a permit in Form 43.

95. Section 126.

96. Sections 127 and 634.

97. Section 128.

(3) Notwithstanding anything in sections 82 to 90,

Members of Forces.

(a) a member of the Canadian Forces or of the naval, army or air forces of a state other than Canada that are lawfully present in Canada,

Peace officers, public officers. Other officers.

(b) a peace officer or public officer, or

(c) an officer under the *Immigration Act*, the *Customs Act* or the *Excise Act*,

is not guilty of an offence under any of the provisions of those sections by reason only that he has in his possession an offensive weapon for the purpose of his duties or employment.

Definitions.

98. For the purposes of sections 89 to 97,

"Commissioner."

(a) "Commissioner" means the Commissioner of the Royal Canadian Mounted Police,

"Firearm."

(b) "firearm" means a pistol, revolver, or a firearm that is capable of firing bullets in rapid succession during one pressure of the trigger; and

"Local registrar of firearms."

(c) "local registrar of firearms" means

(i) the Commissioner or a person appointed in writing by him, or

(ii) the Attorney General of a province or a person appointed in writing by him.

98. Section 129.

PART III

OFFENCES AGAINST THE ADMINISTRATION OF LAW AND JUSTICE.

INTERPRETATION.

99. In this Part,

"Evidence." *(a)* "evidence" means an assertion of fact, opinion, belief or knowledge whether material or not and whether admissible or not;

"Government." *(b)* "government" means
(i) the Government of Canada,
(ii) the government of a province, or
(iii) Her Majesty in right of Canada or in right of a province;

"Judicial proceeding." *(c)* "judicial proceeding" means a proceeding
(i) in or under the authority of a court of justice or before a grand jury,
(ii) before the Senate or House of Commons of Canada or a committee of the Senate or House of Commons, or before a legislative council, legislative assembly or house of assembly or a committee thereof that is authorized by law to administer an oath,
(iii) before a court, judge, justice, magistrate or coroner,
(iv) before an arbitrator or umpire, or a person or body of persons authorized by law to make an inquiry and take evidence therein under oath, or
(v) before a tribunal by which a legal right or legal liability may be established,
whether or not the proceeding is invalid for want of jurisdiction or for any other reason;

"Office." *(d)* "office" includes
(i) an office or appointment under the government,
(ii) a civil or military commission, and
(iii) a position or employment in a public department;

"Official." *(e)* "official" means a person who
(i) holds an office, or
(ii) is appointed to discharge a public duty; and

"Witness." *(f)* "witness" means a person who gives evidence orally under oath or by affidavit in a judicial proceeding, whether or not he is competent to be a witness, and includes a child of tender years who gives evidence but does not give it under oath, because, in the opinion of the person presiding, the child does not understand the nature of an oath.

99. Sections 155, 170, 171 and 1033 (3).

Corruption and Disobedience.

Bribery of judicial officers, etc.

100. (1) Every one who

(a) being the holder of a judicial office, or being a member of the Parliament of Canada or of a legislature, corruptly

(i) accepts or obtains,

(ii) agrees to accept, or

(iii) attempts to obtain,

any money, valuable consideration, office, place or employment for himself or another person in respect of anything done or omitted or to be done or omitted by him in his official capacity; or

(b) gives or offers corruptly to a person who holds a judicial office, or is a member of the Parliament of Canada or of a legislature, any money, valuable consideration, office, place or employment in respect of anything done or omitted or to be done or omitted by him in his official capacity for himself or another person,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Consent of Attorney General.

(2) No proceedings against a person who holds a judicial office shall be instituted under this section without the consent in writing of the Attorney General of Canada.

Bribery of officers.

101. Every one who

(a) being a justice, police commissioner, peace officer, public officer, or officer of a juvenile court, or being employed in the administration of criminal law, corruptly

(i) accepts or obtains,

(ii) agrees to accept, or

(iii) attempts to obtain,

for himself or any other person any money, valuable consideration, office, place or employment with intent

(iv) to interfere with the administration of justice,

(v) to procure or facilitate the commission of an offence, or

(vi) to protect from detection or punishment a person who has committed or who intends to commit an offence; or

Idem.

(b) gives or offers, corruptly, to a person mentioned in paragraph *(a)* any money, valuable consideration, office, place or employment with intent that the person should do anything mentioned in subparagraph (iv), (v) or (vi) of paragraph *(a)*,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Frauds upon the Government.

Offer or gift to influence official.

102. (1) Every one commits an offence who

(a) directly or indirectly

100. Sections 156 and 593.

101. Section 157.

102. Section 158.

(i) gives, offers, or agrees to give or offer to an official or to any member of his family, or to any one for the benefit of an official, or

(ii) being an official, demands, accepts or offers or agrees to accept from any person for himself or another person,

a loan, reward, advantage or benefit of any kind as consideration for co-operation, assistance, exercise of influence or an act or omission in connection with

(iii) the transaction of business with or any matter of business relating to the government, or

(iv) a claim against Her Majesty or any benefit that Her Majesty is authorized or is entitled to bestow,

whether or not, in fact, the official is able to co-operate, render assistance, exercise influence or do or omit to do what is proposed, as the case may be;

Giving reward or commission to official without consent.

(b) having dealings of any kind with the government, pays a commission or reward to or confers an advantage or benefit of any kind upon an employee or official of the government with which he deals, or to any member of his family, or to any one for the benefit of the employee or official, with respect to those dealings, unless he has the consent in writing of the head of the branch of government with which he deals, the proof of which lies upon him;

Acceptance of commission or gift without consent.

(c) being an official or employee of the government, demands, accepts or offers or agrees to accept from a person who has dealings with the government a commission, reward, advantage or benefit of any kind directly or indirectly, by himself or through a member of his family or through any one for his benefit, unless he has the consent in writing of the head of the branch of government that employs him or of which he is an official, the proof of which lies upon him;

Compensation for procuring settlement of claim, etc.

(d) having or pretending to have influence with the government or with a minister of the government or an official, demands, accepts or offers or agrees to accept for himself or another person a reward, advantage or benefit of any kind as consideration for co-operation, assistance, exercise of influence or an act or omission in connection with

(i) anything mentioned in subparagraph (iii) or (iv) of paragraph *(a)*, or

(ii) the appointment of any person, including himself, to an office;

Offer of reward for appointment.

(e) offers, gives or agrees to offer or give to a minister of the government or an official a reward, advantage or benefit of any kind as consideration for co-operation, assistance, exercise of influence or an act or omission in connection with

(i) anything mentioned in subparagraph (iii) or (iv) of paragraph *(a)*, or

(ii) the appointment of any person, including himself, to an office; or

Reward for withdrawal of tender.

(f) having made a tender to obtain a contract with the government

(i) gives, offers or agrees to give to another person who has made a tender, or to a member of his family, or to another person for the benefit of that person, a reward, advantage or benefit of any kind as consideration for the withdrawal of the tender of that person, or

(ii) demands, accepts or agrees to accept from another person who has made a tender a reward, advantage or benefit of any kind as consideration for the withdrawal of his tender.

Contractor subscribing to election fund.

(2) Every one commits an offence who, being a party to a contract with the government directly or indirectly subscribes, gives, or agrees to subscribe or give, to any person any valuable consideration

(a) for the purpose of promoting the election of a candidate or a class or party of candidates to the Parliament of Canada or a legislature, or

(b) with intent to influence or affect in any way the result of an election conducted for the purpose of electing persons to serve in the Parliament of Canada or a legislature.

Punishment.

(3) Every one who commits an offence under this section is guilty of an indictable offence and is liable to imprisonment for five years.

Breach of trust by public officer.

103. Every official who, in connection with the duties of his office, commits fraud or a breach of trust is guilty of an indictable offence and is liable to imprisonment for five years, whether or not the fraud or breach of trust would be an offence if it were committed in relation to a private person.

Municipal corruption.

104. (1) Every one who

(a) gives, offers or agrees to give or offer to a municipal official, or

(b) being a municipal official, demands, accepts or offers or agrees to accept from any person,

a loan, reward, advantage or benefit of any kind as consideration for the official

(c) to abstain from voting at a meeting of the municipal council or a committee thereof,

(d) to vote in favour of or against a measure, motion or resolution,

(e) to aid in procuring or preventing the adoption of a measure, motion or resolution, or

103. Section 160.

104. Section 161.

(f) to perform or fail to perform an official act,

is guilty of an indictable offence and is liable to imprisonment for two years.

Influencing municipal official.

(2) Every one who by threats, deceit, suppression of the truth or other means, influences or attempts to influence a municipal official to do anything mentioned in paragraphs *(c)* to *(f)* of subsection (1) is guilty of an indictable offence and is liable to imprisonment for two years.

"Municipal official."

(3) In this section "municipal official" means a member of a municipal council or a person who holds an office under a municipal government.

Selling office.

105. Every one who

(a) purports to sell or agrees to sell an appointment to or resignation from an office, or a consent to any such appointment or resignation, or receives, or agrees to receive a reward or profit from the purported sale thereof, or

Purchasing office.

(b) purports to purchase or gives a reward or profit for the purported purchase of any such appointment, resignation or consent, or agrees or promises to do so,

is guilty of an indictable offence and is liable to imprisonment for five years.

Reward for influencing appointment.

106. Every one who

(a) receives, agrees to receive, gives or procures to be given, directly or indirectly, a reward, advantage or benefit of any kind as consideration for co-operation, assistance or exercise of influence to secure the appointment of any person to an office;

Reward for negotiating appointment.

(b) solicits, recommends or negotiates in any manner with respect to an appointment to or resignation from an office, in expectation of a direct or indirect reward, advantage or benefit; or

Establishment for dealing in offices.

(c) keeps without lawful authority, the proof of which lies upon him, a place for transacting or negotiating any business relating to

(i) the filling of vacancies in offices,

(ii) the sale or purchase of offices, or

(iii) appointments to or resignations from offices,

is guilty of an indictable offence and is liable to imprisonment for five years.

Disobeying a statute.

107. Every one who, without lawful excuse, contravenes an Act of the Parliament of Canada by wilfully doing anything that it forbids or by wilfully omitting to do anything that it requires to be done is, unless some penalty or punishment is expressly provided by law, guilty of an indictable offence and is liable to imprisonment for two years.

105. Section 162.

106. Section 163.

107. Section 164.

Disobeying order of court.

108. Every one who, without lawful excuse, disobeys a lawful order made by a court of justice or by a person or body of persons authorized by any Act to make or give the order, other than an order for the payment of money is, unless some penalty or punishment or other mode of proceeding is expressly provided by law, guilty of an indictable offence and is liable to imprisonment for two years.

Misconduct of officers executing process.

109. Every peace officer or coroner who, being entrusted with the execution of a process, wilfully

(a) misconducts himself in the execution of the process, or

(b) makes a false return to the process,

is guilty of an indictable offence and is liable to imprisonment for two years.

110. Every one who

Obstructing public or peace officer.

(a) resists or wilfully obstructs a public officer or peace officer in the execution of his duty or any person lawfully acting in aid of such an officer,

Neglect to aid public or peace officer.

(b) omits, without reasonable excuse, to assist a public officer or peace officer in the execution of his duty in arresting a person or in preserving the peace, after having reasonable notice that he is required to do so, or

Resisting execution of process.

(c) resists or wilfully obstructs any person in the lawful execution of a process against lands or goods or in making a lawful distress or seizure,

is guilty of an indictable offence and is liable to imprisonment for two years.

Personating peace officer.

111. Every one who

(a) falsely represents himself to be a peace officer or a public officer, or

(b) not being a peace officer or public officer uses a badge or article of uniform or equipment in a manner that is likely to cause persons to believe that he is a peace officer or a public officer, as the case may be,

is guilty of an offence punishable on summary conviction.

Misleading Justice.

Perjury.

112. Every one commits perjury who, being a witness in a judicial proceeding, with intent to mislead gives false evidence, knowing that the evidence is false.

Punishment for perjury.

113. (1) Every one who commits perjury is guilty of an indictable offence and is liable to imprisonment for fourteen years, but if he commits perjury to procure the conviction of a person for an offence punishable by death, he is liable to imprisonment for life.

108. Section 165.

109. Section 166.

110. Sections 95, 167 and 168.

111. Section 169.

112. Section 170.

113. (1) Sections 172 and 174.

Proof of former trial upon trial of indictment for perjury.

(2) Where a person is charged with an offence under section 112 or 116, a certificate specifying with reasonable particularity the proceeding in which that person is alleged to have given the evidence in respect of which the offence is charged, is *prima facie* evidence that it was given in a judicial proceeding, without proof of the signature or official character of the person by whom the certificate purports to be signed if it purports to be signed by the clerk of the court or other official having the custody of the record of that proceeding or by his lawful deputy.

False statements in extra-judicial proceedings.

114. Every one who, not being a witness in a judicial proceeding but being permitted, authorised or required by law to make a statement by affidavit, by solemn declaration or orally under oath, makes in such a statement, before a person who is authorised by law to permit it to be made before him, an assertion with respect to a matter of fact, opinion, belief or knowledge, knowing that the assertion is false, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Corroboration.

115. No person shall be convicted of an offence under section 113 or 114 upon the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

Witness giving contradictory evidence.

116. (1) Every one who, being a witness in a judicial proceeding, gives evidence with respect to any matter of fact or knowledge and who subsequently, in a judicial proceeding, gives evidence that is contrary to his previous evidence is guilty of an indictable offence and is liable to imprisonment for fourteen years, whether or not the prior or the later evidence or either of them is true, unless he establishes that none of the evidence was given with intent to mislead.

"Evidence."

(2) Notwithstanding paragraph *(a)* of section 99, "evidence", for the purposes of this section, does not include evidence that is not material.

Fabricating evidence.

117. Every one who, with intent to mislead, fabricates evidence for the purpose of a judicial proceeding, existing or proposed, by any means other than perjury or incitement to perjury is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Signing pretended affidavit.

118. Every one who

(a) signs a writing that purports to be an affidavit or statutory declaration and to have been sworn or declared before him when the writing was not so sworn or declared or when he knows that he has no authority to administer the oath or declaration,

(2) Section 979.

114. Sections 173, 175 and 176.

115. Section 1002.

116. New.

117. Section 177.

118. Section 179.

Using pretended affidavit.

(b) uses or offers for use any writing purporting to be an affidavit or statutory declaration that he knows was not sworn or declared, as the case may be, by the affiant or declarant or before a person authorized in that behalf, or

Writing purporting to be affidavit.

(c) signs as affiant or declarant a writing that purports to be an affidavit or statutory declaration and to have been sworn or declared by him, as the case may be, when the writing was not so sworn or declared,

is guilty of an indictable offence and is liable to imprisonment for two years.

Obstructing justice.

119. (1) Every one who wilfully attempts in any manner to obstruct, pervert or defeat the course of justice is guilty of an indictable offence and is liable to imprisonment for two years.

(2) Without restricting the generality of subsection (1), every one shall be deemed wilfully to attempt to obstruct, pervert or defeat the course of justice who in a judicial proceeding, existing or proposed,

Corrupting witness.

(a) dissuades or attempts to dissuade a person by threats, bribes or other corrupt means from giving evidence,

Corrupting juror.

(b) influences or attempts to influence by threats, bribes or other corrupt means, a person in his conduct as a juror,

Accepting bribe.

(c) accepts a bribe or other corrupt consideration to abstain from giving evidence, or to do or to refrain from doing anything as a juror, or

Indemnifying bondsman.

(d) having been released from custody under recognizance, indemnifies or agrees to indemnify in any way, in whole or in part, his bondsman.

Public mischief.

120. Every one who causes a peace officer to enter upon an investigation by wilfully

(a) making a false statement that accuses some other person of having committed an offence,

(b) doing anything that is intended to cause some other person to be suspected of having committed an offence that he has not committed, or to divert suspicion from himself, or

(c) reporting that an offence has been committed when it has not been committed,

is guilty of an indictable offence and is liable to imprisonment for five years.

Compounding indictable offence.

121. Every one who asks or obtains or agrees to receive or obtain any valuable consideration for himself or any other person by agreeing to compound or conceal an indictable offence is guilty of an indictable offence and is liable to imprisonment for two years.

119. Section 180.

120. New.

121. New.

Corruptly taking reward for recovery of goods.

122. Every one who corruptly accepts any valuable consideration, directly or indirectly, under pretence or upon account of helping any person to recover any thing obtained by the commission of an indictable offence is guilty of an indictable offence and is liable to imprisonment for five years.

Advertising reward and immunity.

123. Every one who

(a) publicly advertises a reward for the return of anything that has been stolen or lost, and in the advertisement uses words to indicate that no questions will be asked if it is returned,

Idem.

(b) uses words in a public advertisement to indicate that a reward will be given or paid for anything that has been stolen or lost, without interference with or inquiry about the person who produces it,

Advertising return of money advanced on stolen property.

(c) promises or offers in a public advertisement to return to a person who has advanced money by way of loan on, or has bought, anything that has been stolen or lost, the money so advanced or paid, or any other sum of money for the return of that thing, or

Printing advertisement.

(d) prints or publishes any advertisement referred to in paragraph *(a)*, *(b)* or *(c)*,

is guilty of an offence punishable on summary conviction.

Escapes and Rescues.

Prison-breach.

124. Every one who

(a) by force or violence breaks a prison with intent to set at liberty himself or any person confined therein, or

(b) with intent to escape forcibly breaks out of, or makes any breach in, a cell or other place within a prison in which he is confined,

is guilty of an indictable offence and is liable to imprisonment for five years.

125. Every one who

Escape.

(a) escapes from lawful custody,

Being unlawfully at large.

(b) is, before the expiration of a term of imprisonment to which he was sentenced, at large within Canada without lawful excuse, the proof of which lies upon him, or

Skipping bail.

(c) having been charged with a criminal offence and being at large on recognizance fails, without lawful excuse, the proof of which lies upon him, to appear in accordance with the recognizance at the proper time and place for his preliminary inquiry, to stand his trial, to receive sentence or for the hearing of an appeal, as the case may be,

is guilty of an indictable offence and is liable to imprisonment for two years.

122. Section 182.

123. Section 183.

124. Sections 187 and 188.

125. Sections 185, 189 and 190.

Permitting escape.

Conveying things into prison.

Discharge under pretended authority.

126. Every one who

(a) permits a person whom he has in lawful custody to escape, by failing to perform a legal duty,

(b) conveys or causes to be conveyed into a prison, anything, with intent to facilitate the escape of a person imprisoned therein, or

(c) directs or procures, under colour of pretended authority, the discharge of a prisoner who is not entitled to be discharged,

is guilty of an indictable offence and is liable to imprisonment for two years.

Rescue.

Peace officer permitting escape.

Prison officer permitting escape.

127. Every one who

(a) rescues any person from lawful custody or assists any person in escaping or attempting to escape from lawful custody,

(b) being a peace officer, wilfully permits a person in his lawful custody to escape, or

(c) being an officer of or an employee in a prison, wilfully permits a person to escape from lawful custody therein,

is guilty of an indictable offence and is liable to imprisonment for five years.

Assisting prisoner of war to escape.

128. Every one who knowingly and wilfully

(a) assists a prisoner of war in Canada to escape from a place where he is detained, or

(b) assists a prisoner of war, who is permitted to be at large on parole in Canada, to escape from the place where he is at large on parole,

is guilty of an indictable offence and is liable to imprisonment for five years.

Full term to be served when retaken.

129. (1) A person who escapes while undergoing imprisonment is, after undergoing any punishment to which he is sentenced for that escape, required to serve the portion of his term that he had not served at the time of his escape.

Service of *remanet.*

(2) For the purposes of subsection (1), the portion of a person's term that he had not served at the time of his escape shall be served

(a) in the prison from which the escape was made, if imprisonment for the escape is not awarded, or

(b) in the prison to which he is sentenced for the escape, if imprisonment for the escape is awarded.

Imprisonment for escape.

(3) Where a person is sentenced to imprisonment for an escape he may, for the purposes of this section, be sentenced to imprisonment in a penitentiary or in the prison from which the escape was made, whether the imprisonment is for less than two years or for two years or more.

"Escape."

(4) For the purposes of this section, "escape" means breaking prison, escaping from lawful custody or, without lawful excuse, being at large within Canada before the expiration of a term of imprisonment to which a person has been sentenced.

126. Sections 193, 194 and 195.

127. Sections 191 and 192.

128. Section 186.

129. Section 196.

PART IV.

SEXUAL OFFENCES, PUBLIC MORALS AND DISORDERLY CONDUCT.

Interpretation.

130. In this Part,

"Guardian." *(a)* "guardian" includes any person who has in law or in fact the custody or control of another person;

"Public place." *(b)* "public place" includes any place to which the public have access as of right or by invitation, express or implied; and

"Theatre." *(c)* "theatre" includes any place that is open to the public where entertainments are given, whether or not any charge is made for admission.

Special Provisions.

Corroboration. **131.** (1) No accused shall be convicted of an offence under section 140, 143, 144, 145, 146 or 155 upon the evidence of only one witness unless the evidence of the witness is corroborated in a material particular by evidence that implicates the accused.

Marriage a defence. (2) No accused shall be convicted of an offence under section 144, paragraph *(b)* of section 145 or section 146 where he proves that, subsequent to the time of the alleged offence, he married the person in respect of whom he is alleged to have committed the offence.

Burden of proof. (3) In proceedings for an offence under subsection (2) of section 138 or section 143, 144 or paragraph *(b)* of section 145 the burden of proving that the female person in respect of whom the offence is alleged to have been committed was not of previously chaste character is upon the accused.

Previous sexual intercourse with accused. (4) In proceedings for an offence under subsection (2) of section 138 or under section 143 or paragraph *(b)* of section 145, evidence that the accused had, prior to the time of the alleged offence, sexual intercourse with the female person in respect of whom the offence is alleged to have been committed shall be deemed not to be evidence that she was not of previously chaste character.

130. Section 197.

131. (1) Section 1002.

(2) Section 214(2).

(3) Section 210.

(4) Sections 211(2), 213(2) and 301(4).

Consent of child under fourteen no defence.

132. Where an accused is charged with an offence under section 138, 141 or 148 in respect of a person under the age of fourteen years, the fact that the person consented to the commission of the offence is not a defence to the charge.

Limitation.

133. No proceedings for an offence under section 143, 144, paragraph *(b)* of section 145, or under section 155, 156 or 157 shall be commenced more than one year after the time when the offence is alleged to have been committed.

Instruction to jury.

134. Notwithstanding anything in this Act or any other Act of the Parliament of Canada, where an accused is charged with an offence under section 136, 137 or subsection (1) or (2) of section 138, the judge shall, if the only evidence that implicates the accused is the evidence, given under oath, of the female person in respect of whom the offence is alleged to have been committed, instruct the jury that it is not safe to find the accused guilty in the absence of evidence that corroborates the evidence of that female person, but that they are entitled to find the accused guilty if they are satisfied beyond a reasonable doubt that her evidence is true.

Sexual Offences.

Rape.

135. A male person commits rape when he has sexual intercourse with a female person who is not his wife,

(a) without her consent, or

(b) with her consent if the consent

(i) is extorted by threats or fear of bodily harm,

(ii) is obtained by personating her husband, or

(iii) is obtained by false and fraudulent representations as to the nature and quality of the act.

Punishment for rape.

136. Every one who commits rape is guilty of an indictable offence and is liable to imprisonment for life and to be whipped.

Attempt to commit rape.

137. Every one who attempts to commit rape is guilty of an indictable offence and is liable to imprisonment for ten years and to be whipped.

Sexual intercourse with female under fourteen.

138. (1) Every male person who has sexual intercourse with a female person who

(a) is not his wife, and

(b) is under the age of fourteen years,

whether or not he believes that she is fourteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for life and to be whipped.

132. Section 294.

133. Sections 215 (7) and 1140 (1) *(c)*.

134. New.

135. Section 298(1).

136. Section 299.

137. Section 300.

138. Section 301.

Sexual intercourse with female between fourteen and sixteen.

(2) Every male person who has sexual intercourse with a female person who

(a) is not his wife,

(b) is of previously chaste character, and

(c) is fourteen years of age or more and is under the age of sixteen years,

whether or not he believes that she is sixteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for five years.

Acquittal where accused not chiefly to blame.

(3) Where an accused is charged with an offence under subsection (2), the court may find the accused not guilty if it is of opinion that the evidence does not show that, as between the accused and the female person, the accused is wholly or chiefly to blame.

Age.

139. No male person shall be deemed to commit an offence under section 136, 137 or 138 while he is under the age of fourteen years.

Sexual intercourse with feeble-minded, etc.

140. Every male person who, under circumstances that do not amount to rape, has sexual intercourse with a female person

(a) who is not his wife, and

(b) who is and who he knows or has good reason to believe is feeble-minded, insane, or is an idiot or imbecile,

is guilty of an indictable offence and is liable to imprisonment for five years.

Indecent assault on female.

141. (1) Every one who indecently assaults a female person is guilty of an indictable offence and is liable to imprisonment for five years and to be whipped.

Consent by false representations.

(2) An accused who is charged with an offence under subsection (1) may be convicted if the evidence establishes that the accused did anything to the female person with her consent that, but for her consent, would have been an indecent assault, if her consent was obtained by false and fraudulent representations as to the nature and quality of the act.

Incest.

142. (1) Every one commits incest who, knowing that another person is by blood relationship his or her parent, child, brother, sister, grandparent or grandchild, as the case may be, has sexual intercourse with that person.

Punishment.

(2) Every one who commits incest is guilty of an indictable offence and is liable to imprisonment for fourteen years, and in the case of a male person is liable, in addition, to be whipped.

139. Section 298(2).

140. Section 219.

141. Section 292 *(a)* and *(b)*.

142. Section 204.

Compulsion of female.

(3) Where a female person is convicted of an offence under this section and the court is satisfied that she committed the offence by reason only that she was under restraint, duress or fear of the person with whom she had the sexual intercourse, the court is not required to impose any punishment upon her.

"Brother." "Sister."

(4) In this section, "brother" and "sister", respectively, include half-brother and half-sister.

Seduction of female between sixteen and eighteen.

143. Every male person who, being eighteen years of age or more, seduces a female person of previously chaste character who is sixteen years or more but less than eighteen years of age is guilty of an indictable offence and is liable to imprisonment for two years.

Seduction under promise of marriage.

144. Every male person, being twenty-one years of age or more, who, under promise of marriage, seduces an unmarried female person of previously chaste character who is less than twenty-one years of age is guilty of an indictable offence and is liable to imprisonment for two years.

Sexual intercourse with step-daughter, etc.

Sexual intercourse with female employee.

145. Every male person who

(a) has illicit sexual intercourse with his step-daughter, foster daughter or female ward; or

(b) has illicit sexual intercourse with a female person of previously chaste character and under the age of twenty-one years who

(i) is in his employment,

(ii) is in a common, but not necessarily similar, employment with him and is, in respect of her employment or work, under or in any way subject to his control or direction, or

(iii) receives her wages or salary directly or indirectly from him,

is guilty of an indictable offence and is liable to imprisonment for two years.

Seduction of female passengers on vessels.

146. Every male person who, being the owner or master of, or employed on board a vessel, seduces, or by threats or by the exercise of his authority, has illicit sexual intercourse on board the vessel with a female passenger is guilty of an indictable offence and is liable to imprisonment for two years.

Buggery or bestiality.

147. Every one who commits buggery or bestiality is guilty of an indictable offence and is liable to imprisonment for fourteen years.

143. Section 211 (1).

144. Section 212.

145. Section 213 (1).

146. Section 214 (1).

147. Section 202.

Indecent assault on male.

148. Every male person who assaults another person with intent to commit buggery or who indecently assaults another male person is guilty of an indictable offence and is liable to imprisonment for ten years and to be whipped.

Acts of gross indecency.

149. Every one who commits an act of gross indecency with another person is guilty of an indictable offence and is liable to imprisonment for five years.

Offences Tending to Corrupt Morals.

150. (1) Every one commits an offence who

Obscene matter.

(a) makes, prints, publishes, distributes, circulates, or has in his possession for such a purpose any obscene written matter, picture, model, phonograph record or other thing whatsoever, or

Crime comic.

(b) makes, prints, publishes, distributes, sells or has in his possession for such a purpose, a crime comic.

(2) Every one commits an offence who knowingly, without lawful justification or excuse,

Selling obscene matter.

(a) sells, exposes to public view or has in his possession for such a purpose any obscene written matter, picture, model, phonograph record or other thing whatsoever,

Indecent show.

(b) publicly exhibits a disgusting object or an indecent show,

Offering to sell contraceptives.

(c) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a method of preventing conception or causing abortion or miscarriage, or

Offering to sell other drugs.

(d) advertises or publishes an advertisement of any means, instructions, medicine, drug or article intended or represented as a method for restoring sexual virility or curing venereal diseases or diseases of the generative organs.

Defence of public good.

(3) No person shall be convicted of an offence under this section if he establishes that the public good was served by the acts that are alleged to constitute the offence and that the acts alleged did not extend beyond what served the public good.

Question of law and question of fact.

(4) For the purposes of this section it is a question of law whether an act served the public good and whether there is evidence that the act alleged went beyond what served the public good, but it is a question of fact whether the acts did or did not extend beyond what served the public good.

Motives irrelevant.

(5) For the purposes of this section the motives of an accused are irrelevant.

148. Section 293.

149. Section 206.

150. Section 207.

Ignorance of nature no defence.

(6) Where an accused is charged with an offence under subsection (1) the fact that the accused was ignorant of the nature or presence of the matter, picture, model, phonograph record, crime comic or other thing by means of or in relation to which the offence was committed is not a defence to the charge.

"Crime comic."

(7) In this section, "crime comic" means a magazine, periodical or book that exclusively or substantially comprises matter depicting pictorially the commission of crimes, real or fictitious.

Restriction on publication of reports of judicial proceedings.

151. (1) A proprietor, editor, master printer or publisher commits an offence who prints or publishes

(a) in relation to any judicial proceedings any indecent matter or indecent medical, surgical or physiological details, being matter or details that, if published, are calculated to injure public morals;

(b) in relation to any judicial proceedings for dissolution of marriage, nullity of marriage, judicial separation or restitution of conjugal rights, any particulars other than

(i) the names, addresses and occupations of the parties and witnesses,

(ii) a concise statement of the charges, defences and countercharges in support of which evidence has been given,

(iii) submissions on a point of law arising in the course of the proceedings, and the decision of the court in connection therewith, and

(iv) the summing up of the judge, the finding of the jury and the judgment of the court and the observations that are made by the judge in giving judgment.

Saving.

(2) Nothing in paragraph *(b)* of subsection (1) affects the operation of paragraph *(a)* of that subsection.

Consent of Attorney General.

(3) No proceedings for an offence under this section shall be commenced without the consent of the Attorney General.

Exceptions.

(4) This section does not apply to a person who

(a) prints or publishes any matter for use in connection with any judicial proceedings or communicates it to persons who are concerned in the proceedings;

(b) prints or publishes a notice or report pursuant to directions of a court; or

(c) prints or publishes any matter

(i) in a volume or part of a *bona fide* series of law reports that does not form part of any other publication and consists solely of reports of proceedings in courts of law, or

151. Section 207A.

(ii) in a publication of a technical character that is *bona fide* intended for circulation among members of the legal or medical professions.

Immoral theatrical performance.

152. (1) Every one commits an offence who, being the lessee, manager, agent or person in charge of a theatre, presents or gives or allows to be presented or given therein an immoral, indecent or obscene performance, entertainment or representation.

Person taking part.

(2) Every one commits an offence who takes part or appears as an actor, performer, or assistant in any capacity, in an immoral, indecent or obscene performance, entertainment or representation in a theatre.

Mailing obscene matter.

153. Every one commits an offence who makes use of the mails for the purpose of transmitting or delivering anything that is obscene, indecent, immoral or scurrilous.

Punishment.

154. Every one who commits an offence under section 150, 151, 152 or 153 is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

Parent or guardian procuring defilement.

155. Every one who, being the parent or guardian of a female person,

(a) procures her to have illicit sexual intercourse with a person other than the procurer, or

(b) orders, is party to, permits or knowingly receives the avails of, the defilement, seduction or prostitution of the female person,

is guilty of an indictable offence and is liable to

(c) imprisonment for fourteen years, if the female person is under the age of fourteen years, or

(d) imprisonment for five years, if the female person is fourteen years of age or more.

Hovseholder permitting defilement.

156. Every one who

(a) being the owner, occupier or manager of premises, or

(b) having control of premises or assisting in the management or control of premises,

knowingly permits a female person under the age of eighteen years to resort to or to be in or upon the premises for the purpose of having illicit sexual intercourse with a particular male person or with male persons generally is guilty of an indictable offence and is liable to imprisonment for five years.

152. Section 208.

153. Section 209 *(a)* and *(b)*.

154. New.

155. Section 215 (1).

156. Section 217.

Corrupting children.

157. (1) Every one who, in the home of a child, participates in adultery or sexual immorality or indulges in habitual drunkenness or any other form of vice, and thereby endangers or is likely to endanger the morals of the child or renders or is likely to render the home an unfit place for the child to be in, is guilty of an indictable offence and is liable to imprisonment for two years.

Child's lack of understanding no defence.

(2) In proceedings under subsection (1) it is not a defence that a child is not old enough to understand or appreciate the nature of the conditions that prevail in the home or the nature of the acts that are alleged to have taken place in the home, or to be immediately affected thereby.

"Child."

(3) For the purposes of this section, "child" means a person who is or appears to be under the age of eighteen years.

Who may institute prosecutions.

(4) No proceedings shall be commenced under subsection (1) without the consent of the Attorney General, unless they are instituted by or at the instance of a recognized society for the protection of children or by an officer of a juvenile court.

Disorderly Conduct.

Indecent acts.

158. Every one who wilfully does an indecent act

(a) in a public place in the presence of one or more persons, or

(b) in any place, with intent thereby to insult or offend any person,

is guilty of an offence punishable on summary conviction.

Nudity.

159. (1) Every one who, without lawful excuse,

(a) is nude in a public place, or

(b) is nude and exposed to public view while on private property, whether or not the property is his own,

is guilty of an offence punishable on summary conviction.

"Nude."

(2) For the purposes of this section a person is nude who is so clad as to offend against public decency or order.

Causing disturbance.

160. Every one who

(a) not being in a dwelling house causes a disturbance in or near a public place,

(i) by fighting, screaming, shouting, swearing, singing or using insulting or obscene language,

(ii) by being drunk, or

(iii) by impeding or molesting other persons;

Indecent exhibition.

(b) openly exposes or exhibits an indecent exhibition in a public place;

157. Section 215 (2) to (6).

158. Section 205.

159. Section 205A (1).

160. Sections 100, 222B and 238.

Loitering in public place.

(c) loiters in a public place and in any way obstructs persons who are there; or

Disturbing occupants of dwelling.

(d) disturbs the peace and quiet of the occupants of a dwelling house by discharging firearms or by other disorderly conduct in a public place,

is guilty of an offence punishable on summary conviction.

Disturbing Religious Services.

Obstructing officiating clergyman.

161. (1) Every one who

(a) by threats or force, unlawfully obstructs or prevents or endeavours to obstruct or prevent a clergyman or minister from celebrating divine service or performing any other function in connection with his calling;

Violence to or arrest of officiating clergyman.

(b) knowing that a clergyman or minister is about to perform, is on his way to perform, or is returning from the performance of any of the duties or functions mentioned in paragraph *(a)*

(i) assaults or offers any violence to him, or

(ii) arrests him upon a civil process, or under the pretence of executing a civil process,

is guilty of an indictable offence and is liable to imprisonment for two years.

Disturbing religious worship or certain meetings.

(2) Every one who wilfully disturbs or interrupts an assemblage of persons met for religious worship or for a moral, social or benevolent purpose is guilty of an offence punishable on summary conviction.

Idem.

(3) Every one who, at or near a meeting referred to in subsection (2), does anything that disturbs the order or solemnity of the meeting is guilty of an offence punishable on summary conviction.

Trespassing at night.

162. Every one who, without lawful excuse, the proof of which lies upon him, loiters, prowls or wanders upon the property of another person at night is guilty of an offence punishable on summary conviction.

Offensive volatile substance.

163. Every one other than a peace officer engaged in the discharge of his duty who has in his possession in a public place or who deposits, throws or injects or causes to be deposited, thrown or injected in, into or near any place,

(a) an offensive volatile substance that is likely to alarm, inconvenience, discommode or cause discomfort to any person or to cause damage to property, or

(b) a stink or stench bomb or device from which any substance mentioned in paragraph *(a)* is or is capable of being liberated,

is guilty of an offence punishable on summary conviction.

161. Sections 199, 200 and 201.

162. New.

163. Section 510A.

No apparent means of support.

164. (1) Every one commits vagrancy who

(a) not having any apparent means of support

(i) lives without employment, or

(ii) is found wandering abroad or trespassing and does not, when required, justify his presence in the place where he is found;

Begging.

(b) begs from door to door or in a public place;

Prostitute or night walker.

(c) being a common prostitute or night walker is found in a public place and does not, when required, give a good account of herself;

Living by gaming or crime.

(d) supports himself in whole or in part by gaming or crime and has no lawful profession or calling by which to maintain himself; or

Sexual offenders loitering near schools, etc.

(e) having at any time been convicted of an offence under a provision mentioned in paragraph *(a)* or *(b)* of subsection (1) of section 661, is found loitering or wandering in or near a school ground, playground, public park or bathing area.

Punishment.

(2) Every one who commits vagrancy is guilty of an offence punishable on summary conviction.

Aged or infirm persons.

(3) No person who is aged or infirm shall be convicted of an offence under paragraph *(a)* of subsection (1).

Nuisances.

Criminal common nuisance.

165. (1) Every one commits a criminal common nuisance who does an unlawful act or fails to discharge a legal duty and thereby

(a) endangers the lives, safety or health of the public, or

(b) causes physical injury to any person.

Punishment.

(2) Every one who commits a criminal common nuisance is guilty of an indictable offence and is liable to imprisonment for two years.

Spreading false news.

166. Every one who wilfully publishes a tale or news that he knows is false and that causes or is likely to cause injury or mischief to a public interest is guilty of an indictable offence and is liable to imprisonment for two years.

Not burying dead.

167. Every one who

(a) neglects, without lawful excuse, to perform any duty that is imposed upon him by law or that he undertakes with reference to the burial of a dead human body or human remains, or

Indignity to dead body.

(b) improperly or indecently interferes with or offers any indignity to a dead human body or human remains, whether buried or not,

is guilty of an indictable offence and is liable to imprisonment for five years.

164. Sections 238 and 239.

165. Sections 221 and 222.

166. Section 136.

167. Section 237.

PART V.

DISORDERLY HOUSES, GAMING AND BETTING.

Interpretation.

"Bet."

168. (1) In this Part,

(a) "bet" means a bet that is placed on any contingency or event that is to take place in or out of Canada, and without restricting the generality of the foregoing, includes a bet that is placed on any contingency relating to a horse-race, fight, match or sporting event that is to take place in or out of Canada;

"Common bawdy-house."

(b) "common bawdy-house" means a place that is

(i) kept or occupied, or

(ii) resorted to by one or more persons

for the purpose of prostitution or the practice of acts of indecency;

"Common betting house."

(c) "common betting house" means a place that is opened, kept or used for the purpose of

(i) enabling, encouraging or assisting persons who resort thereto to bet between themselves or with the keeper, or

(ii) enabling any person to receive, record, register, transmit or pay bets or to announce the results of betting;

"Common gaming house."

(d) "common gaming house" means a place that is

(i) kept for gain to which persons resort for the purpose of playing games; or

(ii) kept or used for the purpose of playing games

(A) in which a bank is kept by one or more but not all of the players,

(B) in which all or any portion of the bets on or proceeds from a game is paid, directly or indirectly, to the keeper of the place,

(C) in which, directly or indirectly, a fee is charged to or paid by the players for the privilege of playing or participating in a game or using gaming equipment, or

(D) in which the chances of winning are not equally favourable to all persons who play the game, including the person, if any, who conducts the game;

"Disorderly house."

(e) "disorderly house" means a common bawdy-house, a common betting house or a common gaming house;

"Game."

(f) "game" means a game of chance or mixed chance and skill;

168. (1) *(a)* New.

(b) Section 225.

(c) Section 227.

(d) Section 226.

(e) Section 2 (9) *(a)*.

(f) New.

"Gaming equipment."

(g) "gaming equipment" means anything that is or may be used for the purpose of playing games or for betting;

"Keeper."

(h) "keeper" includes a person who

(i) is an owner or occupier of a place,

(ii) assists or acts on behalf of an owner or occupier of a place,

(iii) appears to be, or to assist or act on behalf of an owner or occupier of a place,

(iv) has the care or management of a place, or

(v) uses a place permanently or temporarily, with or without the consent of the owner or occupier; and

"Place."

(i) "place" includes any place, whether or not

(i) it is covered or enclosed,

(ii) it is used permanently or temporarily, or

(iii) any person has an exclusive right of user with respect to it.

Exception.

(2) A place is not a common gaming house within the meaning of subparagraph (i) or clause (B) or (C) of subparagraph (ii) of paragraph *(d)* of subsection (1)

(a) while it is occupied and used by an incorporated *bona fide* social club or branch thereof if

(i) the whole or any portion of the bets on or proceeds from games played therein is not directly or indirectly paid to the keeper thereof, and

(ii) no fee in excess of ten cents an hour or fifty cents a day is charged to persons for the right or privilege of participating in the games played therein; or

Charitable organizations.

(b) while occasionally it is used by charitable or religious organizations for the purpose of playing games for which a direct fee is charged to persons for the right or privilege of playing, if the proceeds from the games are to be used for a charitable or religious object.

Onus.

(3) The onus of proving that, by virtue of subsection (2), a place is not a common gaming house is on the accused.

(4) A place may be a common gaming house notwithstanding that

Effect when game partly played on premises.

(a) it is used for the purpose of playing part of a game and another part of the game is played elsewhere; or

(b) the stake that is played for is in some other place.

(g) New.

(h) Sections 227 (2) and 229 (3).

(i) Section 227 (2).

(2) Section 226 (1) *(b)* (ii) in part.

(3) New.

(4) Section 226 (2).

PRESUMPTIONS.

From obstruction.

169. In proceedings under this Part,

(a) evidence that a peace officer who was authorized to enter a place was wilfully prevented from entering or was wilfully obstructed or delayed in entering is *prima facie* evidence that the place is a disorderly house;

From device for concealment.

(b) evidence that a place was found to be equipped with gaming equipment or any device for concealing, removing or destroying gaming equipment is *prima facie* evidence that the place is a common gaming house or a common betting house, as the case may be;

From gaming equipment.

(c) evidence that gaming equipment was found in a place entered under a warrant issued pursuant to this Part, or on or about the person of anyone found therein, is *prima facie* evidence that the place is a common gaming house and that the persons found therein were playing games, whether or not any person acting under the warrant observed any persons playing games therein; and

From previous conviction.

(d) evidence that a person was convicted of keeping a disorderly house is, for the purpose of proceedings against any one who is alleged to have been an inmate or to have been found in that house at the time the person committed the offence of which he was convicted, *prima facie* evidence that the house was, at that time, a disorderly house.

Conclusive presumption from slot machine.

170. (1) For the purpose of proceedings under this Part, a place that is found to be equipped with a slot machine shall be conclusively presumed to be a common gaming house.

"Slot machine."

(2) In this section "slot machine" means any automatic machine or slot machine

(a) that is used or intended to be used for any purpose other than vending merchandise or services; or

(b) that is used or intended to be used for the purpose of vending merchandise or services if

(i) the result of one of any number of operations of the machine is a matter of chance or uncertainty to the operator,

(ii) as a result of a given number of successive operations by the operator the machine produces different results, or

(iii) on any operation of the machine it discharges or emits a slug or token.

169. Sections 985 and 986 (1), (2) and (3).

170. Section 986 (4).

SEARCH.

Warrant to search.

171. (1) A justice who receives from a peace officer a report in writing that he has reasonable ground to believe and does believe that an offence under section 176, 177, 179 or 182 is being committed at any place within the jurisdiction of the justice, may issue a warrant under his hand authorizing a peace officer to enter and search the place by day or night and seize anything found therein that may be evidence that an offence under section 176, 177, 179 or 182, as the case may be, is being committed at that place, and to take into custody all persons who are found in or at that place and requiring those persons and things to be brought before him or before another justice having jurisdiction, to be dealt with according to law.

Search without warrant, seizure and arrest.

(2) A peace officer may, whether or not he is acting under a warrant issued pursuant to this section, take into custody any person whom he finds keeping a common gaming house and any person whom he finds therein, and may seize anything that may be evidence that such an offence is being committed and shall bring those persons and things before a justice having jurisdiction, to be dealt with according to law.

Disposal of property seized.

(3) Except where otherwise expressly provided by law, a court, judge, justice or magistrate before whom anything that is seized under this section is brought may

(a) declare that any money or security for money so seized is forfeited, and

(b) direct that anything so seized, other than money or security for money, shall be destroyed,

but anything that is required as evidence in any proceedings shall not be dealt with pursuant to the forfeiture or be destroyed, as the case may be, until it is no longer required in those proceedings.

Telephones exempt from seizure.

(4) Nothing in this section authorizes the seizure, forfeiture or destruction of telephone, telegraph or other communication facilities or equipment owned by a person engaged in providing telephone, telegraph or other communication service to the public or forming part of the telephone, telegraph or other communication service or system of such a person.

Search for woman in bawdy-house.

172. A justice who is satisfied by information upon oath that there is reasonable ground to believe that a female person has been enticed to or is concealed in a common bawdy-house may issue a warrant under his hand authorizing a peace officer or other person named therein to enter and search the place, by day or night, and requiring her and the keeper of the place to be brought before him or another justice having jurisdiction to be kept in custody or released as he considers proper.

171. Section 641.

172. Section 640.

Use of force.

173. A peace officer may, for the purpose of executing a warrant issued under section 171 or 172, use as much force as is necessary to effect entry into the place in respect of which the warrant is issued.

Examination of persons arrested in disorderly houses.

174. (1) A justice before whom a person is taken pursuant to a warrant issued under section 171 or 172 may require that person to be examined on oath and to give evidence with respect to

(a) the purpose for which the place referred to in the warrant is or has been used, kept or occupied, and

(b) any matter relating to the execution of the warrant.

Person refusing to be examined.

(2) A person to whom this section applies who

(a) refuses to be sworn, or,

(b) refuses to answer a question,

may be dealt with in the same manner as a witness appearing before a superior court of criminal jurisdiction pursuant to a subpoena, and section 5 of the *Canada Evidence Act* applies in respect of a person to whom this section applies.

Obstruction.

Obstructing execution of warrant.

175. Every one who, for the purpose of preventing, obstructing or delaying a peace officer who is executing a warrant issued under this Part in respect of a disorderly house or who is otherwise authorized to enter a disorderly house, does anything, or being the keeper of the disorderly house, permits anything to be done to give effect to that purpose is guilty of an offence punishable on summary conviction.

Gaming and Betting.

Keeping gaming or betting house.

176. (1) Every one who keeps a common gaming house or common betting house is guilty of an indictable offence and is liable to imprisonment for two years.

Person found in gaming or betting house.

(2) Every one who

(a) is found, without lawful excuse, in a common gaming house or common betting house, or

Owner permitting use.

(b) as owner, landlord, lessor, tenant, occupier or agent, knowingly permits a place to be let or used for the purposes of a common gaming house or common betting house,

is guilty of an offence punishable on summary conviction.

Betting, pool selling, book-making, etc.

177. Every one commits an offence who

(a) uses or knowingly allows a place under his control to be used for the purpose of recording or registering bets or selling a pool;

(b) imports, makes, buys, sells, rents, leases, hires or keeps, exhibits, employs or knowingly allows to be kept, exhibited or employed in any place under his

173. Section 641 (1).

174. Section 642.

175. Section 230.

176. Sections 228 and 229.

177. Section 235 (1).

control a device or apparatus for the purpose of recording or registering bets or selling a pool, or any machine or device for gambling or betting;

(c) has under his control any money or other property relating to a transaction that is an offence under this section;

(d) records or registers bets or sells a pool;

(e) engages in pool-selling or book-making, or in the business or occupation of betting, or makes any agreement for the purchase or sale of betting or gaming privileges, or for the purchase or sale of information that is intended to assist in book-making, pool-selling or betting;

(f) prints, provides or offers to print or provide information intended for use in connection with book-making, pool-selling or betting upon any horse-race, fight, game or sport whether or not it takes place in or out of Canada or has or has not taken place;

(g) imports or brings into Canada any information or writing that is intended or is likely to promote or be of use in gambling, book-making, pool-selling or betting upon a horse-race, fight, game or sport, and where this paragraph applies it is immaterial

(i) whether the information is published before, during or after the race, fight, game or sport, or

(ii) whether the race, fight, game or sport takes place in Canada or elsewhere,

but this paragraph does not apply to a newspaper, magazine or other periodical published in good faith primarily for a purpose other than the publication of such information;

(h) advertises, prints, publishes, exhibits, posts up, or otherwise gives notice of any offer, invitation or inducement to bet on, to guess or to foretell the result of a contest, or a result of or contingency relating to any contest;

(i) wilfully and knowingly sends, transmits, delivers or receives any message by telegraph, telephone, mail or express that conveys any information relating to book-making, pool-selling, betting or wagering, or that is intended to assist in book-making, pool-selling, betting or wagering; or

(j) aids or assists in any manner in anything that is an offence under this section.

Punishment. (2) Every one who commits an offence under this section is guilty of an indictable offence and is liable to imprisonment for two years.

Exemption. **178.** (1) Sections 176 and 177 do not apply to

(a) any person or association by reason of his or their becoming the custodian or depository of any money, property or valuable thing staked, to be paid to

178. Section 235 (2) to (6).

(i) the winner of a lawful race, sport, game or exercise,

(ii) the owner of a horse engaged in a lawful race, or

(iii) the winner of any bets between not more than ten individuals;

(b) a private bet between individuals not engaged in any way in the business of betting;

(c) bets made or records of bets made through the agency of a pari-mutuel system only as hereinafter provided, upon the race course of an association

(i) incorporated before May 19, 1947, if

(A) the association has conducted a race meeting with pari-mutuel betting under the supervision of an officer appointed by the Minister of Agriculture at any time after January 1, 1938 but before May 19, 1947, or

(B) the Minister of Agriculture has, before May 19, 1947, made a determination under this section that the provisions of sections 176 and 177 shall not extend to the operation of a pari-mutuel system with respect to running races at a race meeting conducted by the association on a race course of another association, or

(ii) incorporated on or after May 19, 1947 by special Act of the Parliament of Canada or of the legislature of a province,

during the actual progress of a race meeting conducted by the association upon races being run thereon and if, as to race meetings at which there are running races, the following provisions are complied with, namely,

(iii) no race meeting shall continue for more than fourteen consecutive days on days on which racing may be lawfully carried on and there shall be not more than eight races on any of those days, and

(iv) no association shall hold, and on any one track there shall not be held, except as hereinafter provided, in any one calendar year more than one race meeting, at which there are running races, of more than seven and not exceeding fourteen such days or two such race meetings having an interval of at least twenty days between them of not more than seven such days each;

(d) race meetings at which there are trotting or pacing races exclusively where pool-selling, betting or wagering is permitted by an association incorporated in any manner before March 20, 1912, or incorporated after that day by special Act of the Parliament of Canada or of the legislature of a province, on a race course

during the actual progress of the race meetings conducted by the association, if the following provisions are complied with, namely,

(i) the race meetings shall not in any one calendar year be conducted for more than fourteen days or fourteen nights or a total of fourteen days and nights on which racing may be lawfully carried on,

(ii) no more than eight races or dashes, or four heat races of three heats each, or six heat races of two heats each shall be held during any twenty-four hour period, and

(iii) any pari-mutuel system of betting used upon the race course shall be used as hereinafter provided; or

(e) the operation of a pari-mutuel system with respect to running races at a race meeting conducted by an association on a race course of another association, if

(i) the provisions of sections 176 and 177 do not extend to the operation of a pari-mutuel system with respect to running races on the race courses of both associations,

(ii) both race courses are in the same province, and

(iii) the Minister of Agriculture so determines in a particular case.

Operation of pari-mutuel system.

(2) No pari-mutuel system of betting shall be used upon any race course unless the system has been approved by and its operation is carried on under the supervision, at the expense of the association, of an officer appointed by the Minister of Agriculture, whose duty it shall be to stop the betting before each race and to see that no further amounts are deposited.

Idem.

(3) Where any person or association becomes a custodian or depository of any money, bet or stakes under a pari-mutuel system during the actual progress of a race meeting conducted by and on the race course of an association in accordance with this section, upon races being run thereon, the percentage deducted and retained by the person or association in respect of each race from the total amount of money so deposited, or of which the person or association becomes the custodian, shall not exceed the following:

(a) where the total amount staked or deposited on each race is $20,000 or under.....9 per cent,

(b) over $20,000 but not over $30,000, 9 per cent on $20,000 and on the excess.....8 per cent,

(c) over $30,000 but not over $40,000, 9 per cent on the first $20,000, 8 per cent on the next $10,000, and on the excess.....7 per cent,

(d) over $40,000 but not over $50,000, 9 per cent on the first $20,000, 8 per cent on the next $10,000, 7 per cent on the next $10,000, and on the excess.....6 per cent,

(e) over $50,000, 9 per cent on the first $20,000, 8 per cent on the next $10,000, 7 per cent on the next $10,000, 6 per cent on the next $10,000, and on the excess.....5 per cent,

and in addition to those percentages, the person or association is also entitled to retain the odd cents over any multiple of five cents, and the odd cents may be eliminated from the amount to be paid to any bettor.

Purses.

(4) Where the Minister of Agriculture is not satisfied that a proper proportion of gate receipts and percentages taken from the pari-mutuel pools is being given in purses to horses taking part in the race meeting or that the provisions of this section are being carried out in good faith by the person or association conducting the race meeting, he may at any time order the betting to be stopped for any period that he considers proper.

Regulations.

(5) The Minister of Agriculture may make regulations with respect to the carrying out of the provisions of paragraphs *(c)*, *(d)* and *(e)* of subsection (1) and subsections (2) and (3), and may, by the regulations, impose such fines, not exceeding in any one case five hundred dollars for any violation of any such regulations, as he considers necessary to ensure compliance with the regulations.

Lotteries.

179. (1) Every one is guilty of an indictable offence and is liable to imprisonment for two years who

Publishing lottery scheme.

(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;

Disposing of lottery tickets.

(b) sells, barters, 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;

Conveyance of material for lottery.

(c) knowingly sends, transmits, mails, ships, delivers or allows to be sent, transmitted, mailed, shipped or delivered, or knowingly accepts for carriage or transport or conveys any article that is used or intended for use in carrying out any device, proposal, scheme or plan for advancing, lending, giving, selling or otherwise disposing of any property by any mode of chance whatsoever;

Conducting lottery scheme.

(d) conducts or manages any scheme, contrivance or operation of any kind for the purpose of determining

179. Sections 236 and 442 *(b)*.

who, or the holders of what lots, tickets, numbers or chances, are the winners of any property so proposed to be advanced, loaned, given, sold or disposed of;

Conducting scheme for disposal of property.

(e) conducts, manages or is a party to any scheme, contrivance or operation of any kind by which any person, upon payment of any sum of money, or the giving of any valuable security, or by obligating himself to pay any sum of money or give any valuable security, shall become entitled under the scheme, contrivance or operation, to receive from the person conducting or managing the scheme, contrivance or operation, or any other person, a larger sum of money or amount of valuable security than the sum or amount paid or given, or to be paid or given, by reason of the fact that other persons have paid or given, or obligated themselves to pay or give any sum of money or valuable security under the scheme, contrivance or operation;

Disposal of goods by game of chance.

(f) disposes of any goods, wares or merchandise by any game of chance or any game of mixed chance and skill in which the contestant or competitor pays money or other valuable consideration;

Inducing persons to stake money.

(g) induces any person to stake or hazard any money or other valuable property or thing on the result of any dice game, three-card monte, punch board, coin table or on the operation of a wheel of fortune;

Playing three-card monte.

(h) for valuable consideration carries on or plays or offers to carry on or to play, or employs any person to carry on or play in a public place or a place to which the public have access, the game of three-card monte;

Receiving bets on three-card monte.

(i) receives bets of any kind on the outcome of a game of three-card monte; or

Permitting three-card monte.

(j) being the owner of a place, permits any person to play the game of three-card monte therein.

"Three-card monte."

(2) In this section "three-card monte" means the game commonly known as three-card monte and includes any other game that is similar to it, whether or not the game is played with cards and notwithstanding the number of cards or other things that are used for the purpose of playing.

Exemption of Agricultural fairs.

(3) Paragraphs *(f)* and *(g)* of subsection (1), in so far as they do not relate to a dice game, three-card monte, punch board or coin table, do not apply to an agricultural fair or exhibition, or to any operator of a concession leased by an agricultural fair or exhibition board within its own grounds and operated during the period of the annual fair on those grounds.

Offence.

(4) Every one who buys, takes or receives a lot, ticket or other device mentioned in subsection (1) is guilty of an offence punishable on summary conviction.

Lottery sale void.

(5) Every sale, loan, gift, 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 forfeited to Her Majesty.

Bona fide purchase.

(6) Subsection (5) does not affect any right or title to property acquired by any *bona fide* purchaser for valuable consideration without notice.

Foreign lottery included.

(7) This section applies to the printing or publishing, or causing to be printed or published, of any advertisement, 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.

Saving.

(8) This section does not apply to

Dividing property by lot.

(a) the division by lot or chance of any property by joint tenants or tenants in common, or persons having joint interests in any such property;

Raffles at church bazaars.

(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 has a value exceeding fifty dollars;

Rewards to promote thrift.

(c) the distribution by lot of premiums given as rewards to promote thrift by punctuality in making periodical deposits of weekly savings in any chartered savings bank; or

Recalling securities by lot.

(d) bonds, debentures, debenture stock or other securities recallable by drawing of lots and redeemable with interest and providing for payment of premiums upon redemption or otherwise.

Gambling in public conveyances.

180. (1) Every one who obtains or attempts to obtain anything from any person by playing a game in a vehicle, aircraft or vessel used as a public conveyance for passengers is guilty of an indictable offence and is liable to imprisonment for two years.

Arrest without warrant.

(2) Every person in charge of a vehicle, aircraft or vessel and any person authorized by him may arrest, without warrant, a person who he has good reason to believe has committed or attempted to commit or is committing or attempting to commit an offence under this section.

180. Section 234.

Posting up section.

(3) Every person who owns or operates a vehicle, aircraft or vessel to which this section applies shall keep posted up, in some conspicuous part thereof, a copy of this section or a notice to the like effect, and in default thereof is guilty of an offence punishable on summary conviction.

Cheating at play.

181. Every one who, with intent to defraud any person, cheats while playing a game or in holding the stakes for a game or in betting is guilty of an indictable offence and is liable to imprisonment for two years.

BAWDY-HOUSES.

Keeping common bawdy-house.

182. (1) Every one who keeps a common bawdy-house is guilty of an indictable offence and is liable to imprisonment for two years.

(2) Every one who

Inmate.

(a) is an inmate of a common bawdy-house,

Person found.

(b) is found, without lawful excuse, in a common bawdy-house, or

Liability of landlord.

(c) as owner, landlord, lessor, tenant, occupier, agent or otherwise having charge or control of any place, knowingly permits the place or any part thereof to be let or used for the purposes of a common bawdy-house,

is guilty of an offence punishable on summary conviction.

Notice of conviction to be served on owner.

(3) Where a person is convicted of an offence under subsection (1), the court shall cause a notice of the conviction to be served upon the owner, landlord or lessor of the place in respect of which the person in convicted or his agent, and the notice shall contain a statement to the effect that it is being served pursuant to this section.

Duty of landlord on notice.

(4) Where a person upon whom a notice is served under subsection (3) fails forthwith to exercise any right he may have to determine the tenancy or right of occupation of the person so convicted, and thereafter any person is convicted of an offence under subsection (1) in respect of the same premises, the person upon whom the notice was served shall be deemed to have committed an offence under subsection (1) unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

Transporting person to bawdy-house.

183. Every one who knowingly takes, transports, directs, or offers to take, transport, or direct any other person to a common bawdy-house is guilty of an offence punishable on summary conviction.

181. Section 442 *(a)*.

182. Sections 228 and 229 (2), (4), (6) and (7).

183. Section 229 (8).

PROCURING.

Procuring.

184. (1) Every one who

(a) procures, attempts to procure or solicits a female person to have illicit sexual intercourse with another person, whether in or out of Canada,

(b) inveigles or entices a female person who is not a common prostitute or a person of known immoral character to a common bawdy-house or house of assignation for the purpose of illicit sexual intercourse or prostitution,

(c) knowingly conceals a female person in a common bawdy-house or house of assignation,

(d) procures or attempts to procure a female person to become, whether in or out of Canada, a common prostitute,

(e) procures or attempts to procure a female person to leave her usual place of abode in Canada, if that place is not a common bawdy-house, with intent that she may become an inmate or frequenter of a common bawdy-house, whether in or out of Canada,

(f) on the arrival of a female person in Canada, directs or causes her to be directed, or takes or causes her to be taken, to a common bawdy-house or house of assignation,

(g) procures a female person to enter or leave Canada, for the purpose of prostitution,

(h) for the purposes of gain, exercises control, direction or influence over the movements of a female person in such manner as to show that he is aiding, abetting or compelling her to engage in or carry on prostitution with any person or generally,

(i) applies or administers to a female person or causes her to take any drug, intoxicating liquor, matter, or thing with intent to stupefy or overpower her in order thereby to enable any person to have illicit sexual intercourse with her, or

(j) being a male person, lives wholly or in part on the avails of prostitution,

is guilty of an indictable offence and is liable to imprisonment for ten years.

Presumption.

(2) Evidence that a male person lives with or is habitually in the company of prostitutes, or lives in a common bawdy-house or house of assignation is *prima facie* evidence that he lives on the earnings of prostitution.

Corroboration.

(3) No person shall be convicted of an offence under subsection (1), other than an offence under paragraph *(j)* of that subsection, upon the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

Limitation.

(4) No proceedings for an offence under this section shall be commenced more than one year after the time when the offence is alleged to have been committed.

184. Sections 216, 1002 and 1140 (1) *(c)*.

PART VI.

OFFENCES AGAINST THE PERSON AND REPUTATION.

Interpretation.

185. In this Part,

"Abandon." "Expose." *(a)* "abandon" or "expose" includes

(i) a wilful omission to take charge of a child by a person who is under a legal duty to do so, and

(ii) dealing with a child in a manner that is likely to leave that child exposed to risk without protection;

"Child." *(b)* "child" includes an adopted child and an illegitimate child;

"Form of marriage." *(c)* "form of marriage" includes a ceremony of marriage that is recognized as valid

(i) by the law of the place where it was celebrated, or

(ii) by the law of the place where an accused is tried, notwithstanding that it is not recognized as valid by the law of the place where it was celebrated; and

"Guardian." *(d)* "guardian" includes a person who has in law or in fact the custody or control of a child.

Duties Tending to Preservation of Life.

Duty of persons to provide necessaries. **186.** (1) Every one is under a legal duty

(a) as a parent, foster parent, guardian or head of a family, to provide necessaries of life for a child under the age of sixteen years;

(b) as a husband, to provide necessaries of life for his wife; and

(c) to provide necessaries of life to a person under his charge if that person

(i) is unable, by reason of detention, age, illness, insanity or other cause, to withdraw himself from that charge, and

(ii) is unable to provide himself with necessaries of life.

Neglect of duty. (2) Every one who, being under a legal duty within the meaning of subsection (1) fails, without lawful excuse, the proof of which lies upon him, to perform that duty, is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

185. Section 240.

186. Sections 241, 242 and 244.

Presumptions.

(3) For the purpose of proceedings under this section,

(a) evidence that a man has cohabited with a woman or has in any way recognized her as being his wife is *prima facie* evidence that they are lawfully married;

(b) evidence that a person has in any way recognized a child as being his child is *prima facie* evidence that the child is his child;

(c) evidence that a man has left his wife and has failed, for a period of any one month subsequent to the time of his so leaving, to make provision for her maintenance or for the maintenance of any child of his under the age of sixteen years, is *prima facie* evidence that he has failed without lawful excuse to provide necessaries of life for them; and

(d) the fact that a wife or child is receiving or has received necessaries of life from another person who is not under a legal duty to provide them is not a defence.

Duty of persons undertaking acts dangerous to life.

187. Every one who undertakes to administer surgical or medical treatment to another person or to do any other lawful act that may endanger the life of another person is, except in cases of necessity, under a legal duty to have and to use reasonable knowledge, skill and care in so doing.

Duty of persons undertaking acts.

188. Every one who undertakes to do an act is under a legal duty to do it if an omission to do the act is or may be dangerous to life.

Abandoning child.

189. Every one who unlawfully abandons or exposes a child who is under the age of ten years, so that its life is or is likely to be endangered or its health is or is likely to be permanently injured, is guilty of an indictable offence and is liable to imprisonment for two years.

190. Every master who

Causing bodily harm to apprentice or servant.

(a) unlawfully does, or causes to be done, bodily harm to his apprentice or servant so that his life is endangered or his health is or is likely to be permanently injured, or

Master failing to provide necessaries.

(b) omits, without lawful excuse, to provide necessaries of life for an apprentice or servant in accordance with any contract that he has entered into with respect to that apprentice or servant,

is guilty of an indictable offence and is liable to imprisonment for two years.

187. Section 246.

188. Section 248.

189. Section 245.

190. Sections 243, 244 and 249.

Criminal Negligence.

"Criminal negligence."

191. (1) Every one is criminally negligent who shows a wanton or reckless disregard for the lives or safety of other persons

(a) by doing anything, or

(b) by omitting to do anything that it is his duty to do.

"Duty."

(2) For the purposes of this section, "duty" means

(a) a duty imposed by law, or

(b) a duty for the breach of which a person may be found liable in civil proceedings.

Causing death by criminal negligence.

192. Every one who by criminal negligence causes death to another person is guilty of an indictable offence and is liable to imprisonment for life.

Causing bodily harm by criminal negligence.

193. Every one who by criminal negligence causes bodily harm to another person is guilty of an indictable offence and is liable to imprisonment for ten years.

Homicide.

Homicide.

194. (1) A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being.

Kinds of homicide.

(2) Homicide is culpable or not culpable.

Non culpable homicide.

(3) Homicide that is not culpable is not an offence.

Culpable homicide.

(4) Culpable homicide is murder or manslaughter or infanticide.

Idem.

(5) A person commits culpable homicide when he causes the death of a human being,

(a) by means of an unlawful act,

(b) by criminal negligence,

(c) by causing that human being, by threats or fear of violence or by deception, to do anything that causes his death, or

(d) by wilfully frightening that human being, in the case of a child or sick person.

Exception.

(6) Notwithstanding anything in this section, a person does not commit homicide within the meaning of this Act by reason only that he causes the death of a human being by procuring, by false evidence, the conviction and death of that human being by sentence of the law.

When child becomes human being.

195. (1) A child becomes a human being within the meaning of this Act when it has completely proceeded, in a living state, from the body of its mother whether or not

(a) it has breathed,

(b) it has an independent circulation, or

(c) the navel string is severed.

191. New.

192. New.

193. Sections 283, 284 and new.

194. (1) Section 250.

(2) Sections 252 (1).
(3) Section 252 (4).
(4) Section 252(3).

(5) Section 252 (2).

(6) Section 253.

195. Section 251.

Killing child.

(2) A person commits homicide when he causes injuries to a child before or during its birth as a result of which the child dies.

Death which might have been prevented.

196. Where a person, by an act or omission, does any thing that results in the death of a human being, he causes the death of that human being notwithstanding that death from that cause might have been prevented by resorting to proper means.

Death from treatment of injury.

197. Where a person causes to a human being a bodily injury that is of itself of a dangerous nature and from which death results, he causes the death of that human being notwithstanding that the immediate cause of death is proper or improper treatment that is applied in good faith.

Death within year and a day.

198. No person commits culpable homicide or the offence of causing the death of a human being by criminal negligence unless the death occurs within one year and one day commencing with the time of the occurrence of the last event by means of which he caused or contributed to the cause of death.

Acceleration of death.

199. Where a person causes bodily injury to a human being that results in death, he causes the death of that human being notwithstanding that the effect of the bodily injury is only to accelerate his death from a disease or disorder arising from some other cause.

Killing by influence on the mind.

200. No person commits culpable homicide by reason only that he causes the death of a human being

(a) by influencing his mind, or

(b) by disorder or disease resulting from influencing his mind,

but this section does not apply where a person causes the death of a child or sick person by wilfully frightening him.

Murder, Manslaughter and Infanticide.

Murder.

201. Culpable homicide is murder

(a) where the person who causes the death of a human being

(i) means to cause his death, or

(ii) means to cause him bodily harm that he knows is likely to cause his death, and is reckless whether death ensues or not;

(b) where a person, meaning to cause death to a human being or meaning to cause him bodily harm that he knows is likely to cause his death, and being reckless

196. Section 257.

197. Section 258.

198. Section 254.

199. Section 256.

200. Section 255.

201. Section 259.

whether death ensues or not, by accident or mistake causes death to another human being, notwithstanding that he does not mean to cause death or bodily harm to that human being; or

(c) where a person, for an unlawful object, does anything that he knows or ought to know is likely to cause death, and thereby causes death to a human being, notwithstanding that he desires to effect his object without causing death or bodily harm to any human being.

Murder in commission of offences.

202. Culpable homicide is murder where a person causes the death of a human being while committing or attempting to commit treason or an offence mentioned in section 52, piracy, escape or rescue from prison or lawful custody, resisting lawful arrest, rape, indecent assault, forcible abduction, robbery, burglary or arson, whether or not the person means to cause death to any human being and whether or not he knows that death is likely to be caused to any human being, if

Intention to cause bodily harm.

(a) he means to cause bodily harm for the purpose of

(i) facilitating the commission of the offence, or

(ii) facilitating his flight after committing or attempting to commit the offence,

and the death ensues from the bodily harm;

Administering overpowering thing.

(b) he administers a stupefying or overpowering thing for a purpose mentioned in paragraph *(a)*, and the death ensues therefrom;

Stopping the breath.

(c) he wilfully stops, by any means, the breath of a human being for a purpose mentioned in paragraph *(a)*, and the death ensues therefrom; or

Using weapon.

(d) he uses a weapon or has it upon his person

(i) during or at the time he commits or attempts to commit the offence, or

(ii) during or at the time of his flight after committing or attempting to commit the offence,

and the death ensues as a consequence.

Murder reduced to manslaughter.

203. (1) Culpable homicide that otherwise would be murder may be reduced to manslaughter if the person who committed it did so in the heat of passion caused by sudden provocation.

What is provocation.

(2) A wrongful act or insult that is of such a nature as to be sufficient to deprive an ordinary person of the power of self-control is provocation for the purposes of this section if the accused acted upon it on the sudden and before there was time for his passion to cool.

Questions of fact.

(3) For the purposes of this section the questions

(a) whether a particular wrongful act or insult amounted to provocation, and

202. Section 260.

203. Section 261.

(b) whether the accused was deprived of the power of self-control by the provocation that he alleges he received,

are questions of fact, but no one shall be deemed to have given provocation to another by doing anything that he had a legal right to do, or by doing anything that the accused incited him to do in order to provide the accused with an excuse for causing death or bodily harm to any human being.

Death during illegal arrest.

(4) Culpable homicide that otherwise would be murder is not necessarily manslaughter by reason only that it was committed by a person who was being arrested illegally, but the fact that the illegality of the arrest was known to the accused may be evidence of provocation for the purpose of this section.

Infanticide.

204. A female person commits infanticide when by a wilful act or omission she causes the death of her newly-born child, if at the time of the act or omission she is not fully recovered from the effects of giving birth to the child and by reason thereof or of the effect of lactation consequent on the birth of the child her mind is then disturbed.

Man-slaughter.

205. Culpable homicide that is not murder or infanticide is manslaughter.

Punishment for murder.

206. Every one who commits murder is guilty of an indictable offence and shall be sentenced to death.

Punishment for man-slaughter.

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

Punishment for infanticide.

208. Every female person who commits infanticide is guilty of an indictable offence and is liable to imprisonment for five years.

Killing unborn child.

209. (1) Every one who causes the death of a child that has not become a human being, in such a manner that, if the child were a human being, he would be guilty of murder, is guilty of an indictable offence and is liable to imprisonment for life.

Saving.

(2) This section does not apply to a person who, by means that, in good faith, he considers necessary to preserve the life of the mother of a child that has not become a human being, causes the death of the child.

Attempt to commit murder.

210. Every one who attempts by any means to commit murder is guilty of an indictable offence and is liable to imprisonment for life.

204. Section 262 (2).

205. Section 262 (1).

206. Section 263.

207. Section 268.

208. Section 268A

209. Section 306.

210. Section 264.

57325—10

Accessory after fact to murder.

211. Every one who is an accessory after the fact to murder is guilty of an indictable offence and is liable to imprisonment for life.

Suicide.

Counselling or aiding suicide.

212. Every one who

(a) counsels or procures a person to commit suicide, or

(b) aids or abets a person to commit suicide,

whether suicide ensues or not, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Attempt to commit suicide.

213. Every one who attempts to commit suicide is guilty of an indictable offence and is liable to imprisonment for two years.

Neglect in Childbirth and Concealing Dead Body.

Neglect to obtain assistance in childbirth.

214. A female person who, being pregnant and about to be delivered, with intent that the child shall not live or with intent to conceal the birth of the child, fails to make provision for reasonable assistance in respect of her delivery is, if the child is permanently injured as a result thereof or dies immediately before, during or in a short time after birth, guilty of an indictable offence and is liable to imprisonment for five years.

Concealing body of child.

215. Every one who in any manner disposes of the dead body of a child, with intent to conceal the fact that its mother has been delivered of it, whether the child died before, during or after birth, is guilty of an indictable offence and is liable to imprisonment for two years.

Bodily Harm and Acts and Omissions Causing Danger to the Person.

Causing bodily harm with intent.

216. Every one who, with intent

(a) to wound, maim or disfigure any person,

(b) to endanger the life of any person, or

(c) to prevent the arrest or detention of any person,

discharges a firearm, air gun or air pistol at or causes bodily harm in any way to any person, whether or not that person is the one mentioned in paragraph *(a)*, *(b)* or *(c)*, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

211. Section 267.

212. Section 269.

213. Section 270.

214. Section 271.

215. Section 272.

216. Section 273.

Administering noxious thing.

217. Every one who administers or causes to be administered to any person or causes any person to take poison or any other destructive or noxious thing is guilty of an indictable offence and is liable

Causing bodily harm.

(a) to imprisoment for fourteen years, if thereby he endangers the life of or causes bodily harm to that person, or

Intent to annoy.

(b) to imprisonment for two years, if he aggrieves or annoys that person or does it with intent thereby to aggrieve or annoy that person.

Overcoming resistance to commission of offence.

218. Every one who, with intent to enable or assist himself or another person to commit an indictable offence,

(a) attempts, by any means, to choke, suffocate or strangle another person, or by any means calculated to choke, suffocate or strangle, attempts to render another person insensible, unconscious or incapable of resistance, or

(b) administers, or causes to be administered to any person, or attempts to administer to any person, or causes or attempts to cause any person to take a stupefying or overpowering drug, matter or thing,

is guilty of an indictable offence and is liable to imprisonment for life and to be whipped.

Traps likely to cause bodily harm.

219. (1) Every one who, with intent to cause death or bodily harm to persons, whether ascertained or not, sets or places or causes to be set or placed a trap, device or other thing whatsoever that is likely to cause death or bodily harm to persons is guilty of an indictable offence and is liable to imprisonment for five years.

Permitting traps on premises.

(2) A person who, being in occupation or possession of a place where anything mentioned in subsection (1) has been set or placed, knowingly and wilfully permits it to remain there, shall be deemed, for the purposes of that subsection, to have set or placed it with the intent mentioned therein.

Interfering with transportation facilities.

220. Every one who, with intent to endanger the safety of any person, places anything upon or does anything to the property of a common carrier that is likely to cause death or bodily harm to persons is guilty of an indictable offence and is liable to imprisonment for life.

Criminal negligence in operation of motor vehicle.

221. (1) Every one who is criminally negligent in the operation of a motor vehicle is guilty of

(a) an indictable offence and is liable to imprisonment for five years, or

(b) an offence punishable on summary conviction.

217. Sections 277 and 278.

218. Section 276.

219. Section 281.

220. Section 282.

221. (1) New.

Failing to stop at scene of accident.

(2) Every one who, having the care, charge or control of a vehicle that is involved in an accident with a person, horse or vehicle, with intent to escape civil or criminal liability fails to stop his vehicle, offer assistance and give his name and address is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

Prima facie evidence.

(3) In proceedings under subsection (2), evidence that an accused failed to stop his vehicle, offer assistance and give his name and address is *prima facie* evidence of an intent to escape civil and criminal liability.

Driving while intoxicated.

222. Every one who, while intoxicated or under the influence of a narcotic drug, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, is guilty of

(a) an indictable offence and is liable

(i) for a first offence, to imprisonment for not more than three months and not less than thirty days, and

(ii) for each subsequent offence, to imprisonment for not more than one year and not less than three months; or

(b) an offence punishable on summary conviction and is liable

(i) for a first offence, to imprisonment for not more than thirty days and not less than seven days,

(ii) for a second offence, to imprisonment for not more than three months and not less than one month, and

(iii) for each subsequent offence, to imprisonment for not more than one year and not less than three months.

Driving while ability to drive is impaired.

223. Every one who, while his ability to drive a motor vehicle is impaired by alcohol or a drug, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, is guilty of an indictable offence or an offence punishable on summary conviction and is liable

(a) for a first offence, to a fine of not more than five hundred dollars and not less than fifty dollars or to imprisonment for three months or to both,

(b) for a second offence, to imprisonment for not more than three months and not less than fourteen days, and

(c) for each subsequent offence, to imprisonment for not more than one year and not less than three months.

Conviction under section 223 when charged with offence under section 222.

224. (1) Where an accused is charged with an offence under section 222, and the evidence does not establish that he committed an offence under that section, but establishes that he committed an offence under section

(2) Section 285 (2).

(3) Section 285 (2).

222. Section 285 (4).

223. Section 285 (4*a*).

224. Section 285 (4*b*) to (4*e*).

223, the accused may be convicted of an offence under section 223 and the conviction bars further proceedings for any such offence under section 222 or 223.

Presumption of care or control.

(2) For the purpose of sections 222 and 223, where a person occupies the seat ordinarily occupied by the driver of a motor vehicle he shall be deemed to have the care or control of the vehicle unless he establishes that he did not enter or mount the vehicle for the purpose of setting it in motion.

Chemical analysis.

(3) In any proceedings under section 222 or 223, the result of a chemical analysis of a sample of the blood, urine, breath or other bodily substance of a person may be admitted in evidence on the issue whether that person was intoxicated or under the influence of a narcotic drug or whether his ability to drive was impaired by alcohol or a drug, notwithstanding that he was not, before he gave the sample, warned that he need not give the sample or that the results of the analysis of the sample might be used in evidence.

No obligation to give sample.

(4) No person is required to give a sample of blood, urine, breath or other bodily substance for chemical analysis for the purposes of this section and evidence that a person refused to give such a sample or that such a sample was not taken is not admissible nor shall such a refusal or the fact that a sample was not taken be the subject of comment by any person in the proceedings.

Order prohibiting driving.

225. (1) Where an accused is convicted of an offence under section 192, 193 or 207 committed by means of a motor vehicle or of an offence under subsection (1) of section 221 or under section 222 or 223, the court, judge, justice or magistrate, as the case may be, may, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from driving a motor vehicle on the highway in Canada

(a) during any period that the court, judge, justice or magistrate considers proper, if he is liable to imprisonment for life in respect of that offence, or

(b) during any period not exceeding three years, if he is not liable to imprisonment for life in respect of that offence.

Copy of order for registrar.

(2) Where an order is made pursuant to subsection (1), a copy of the order certified under the hand of the justice or magistrate or under the hand of the judge or the clerk of the court and sealed with the seal, if any, of the court, shall

(a) where the accused holds a permit or licence to drive a motor vehicle, be sent to the registrar of motor vehicles for the province in which the licence or permit was issued, or

(b) where the accused does not hold a permit or licence to drive a motor vehicle, be sent to the registrar of

225. Section 285 (7) and (8).

motor vehicles for the province in which the accused resides.

Driving while disqualified.

(3) Every one who drives a motor vehicle in Canada while he is disqualified or prohibited from driving a motor vehicle by reason of

(a) the legal suspension or cancellation, in any province, of his permit or licence to drive a motor vehicle in that province, or

(b) an order made pursuant to subsection (1),

is guilty of an offence punishable on summary conviction.

Motor vehicle equipped with smoke screen.

226. Every one who owns or has the care, charge or control of a motor vehicle or vessel equipped with an apparatus for making a smoke screen is guilty of an offence punishable on summary conviction.

Impeding attempt to save life.

227. Every one who

(a) prevents or impedes or attempts to prevent or impede any person who is attempting to save his own life, or

(b) without reasonable cause prevents or impedes or attempts to prevent or impede any person who is attempting to save the life of another person,

is guilty of an indictable offence and is liable to imprisonment for ten years.

Duty to safeguard dangerous places.

228. (1) Every one who makes or causes to be made an opening in ice that is open to or frequented by the public is under a legal duty to guard it in a manner that is adequate to prevent persons from falling in by accident or is adequate to warn them that the opening exists.

Idem.

(2) Every one who leaves an excavation on land that he owns or of which he has charge or supervision is under a legal duty to guard it in a manner that is adequate to prevent persons from falling in by accident or is adequate to warn them that the excavation exists.

Offences.

(3) Every one who fails to perform a duty imposed by subsection (1) or (2)

(a) is guilty of manslaughter, if the death of any person results therefrom,

(b) is guilty of an offence under subsection (2) of section 231, if bodily harm to any person results therefrom, or

(c) is guilty of an offence punishable on summary conviction.

Sending or taking unseaworthy ship to sea.

229. (1) Every one who sends or attempts to send or being the master knowingly takes a Canadian ship

(a) on a voyage from a place in Canada to any other place, whether that voyage is by sea or by coastal or inland waters, or

(b) on a voyage from a place on the inland waters of the United States to a place in Canada,

in an unseaworthy condition from any cause, and thereby

226. Section 285 (5).

227. Section 286.

228. Section 287.

229. Sections 288, 289 and 595.

endangers the life of any person, is guilty of an indictable offence and is liable to imprisonment for five years.

Defences.

(2) An accused shall not be convicted of an offence under this section where he proves

(a) that he used all reasonable means to ensure that the ship was in a seaworthy state, or

(b) that to send or take the ship in that unseaworthy condition was, under the circumstances, reasonable and justifiable.

Consent of Attorney General.

(3) No proceedings shall be instituted under this section without the consent in writing of the Attorney General of Canada.

ASSAULTS.

"Assault."

230. A person commits an assault when, without the consent of another person or with consent, where it is obtained by fraud,

(a) he applies force intentionally to the person of the other, directly or indirectly, or

(b) he attempts or threatens, by an act or gesture, to apply force to the person of the other, if he has or causes the other to believe upon reasonable grounds that he has present ability to effect his purpose.

Punishment for common assault.

231. (1) Every one who commits a common assault is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

Causing bodily harm by assault or otherwise.

(2) Every one who unlawfully causes bodily harm to any person or commits an assault that causes bodily harm to any person is guilty of an indictable offence and is liable to imprisonment for two years.

Assault with intent.

232. (1) Every one who assaults a person with intent to commit an indictable offence is guilty of an indictable offence and is liable to imprisonment for five years.

Other assaults.

(2) Every one who

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

(b) assaults a person with intent to resist or prevent the lawful arrest or detention of himself or another person; or

(c) assaults a person

(i) who is engaged in the lawful execution of a process against lands or goods or in making a lawful distress or seizure, or

(ii) with intent to rescue anything taken under a lawful process, distress or seizure,

is guilty of an indictable offence and is liable to imprisonment for two years.

230. Section 290.

231. Sections 274, 291 and 295.

232. Section 296.

Kidnapping and Abduction.

Kidnapping.

233. (1) Every one who kidnaps a person with intent

(a) to cause him to be confined or imprisoned against his will,

(b) to cause him to be unlawfully sent or transported out of Canada against his will, or

(c) to hold him for ransom or to service against his will,

is guilty of an indictable offence and is liable to imprisonment for life.

Forcible confinement.

(2) Every one who, without lawful authority, confines, imprisons or forcibly seizes another person is guilty of an indictable offence and is liable to imprisonment for five years.

Non-resistance.

(3) In proceedings under this section the fact that the person in relation to whom the offence is alleged to have been committed did not resist is not a defence unless the accused proves that the failure to resist was not caused by threats, duress, force or exhibition of force.

Abduction of female.

234. Every one who takes away or detains a female person, against her will, with intent

(a) to marry her or to have illicit sexual intercourse with her, or

(b) to cause her to marry or to have illicit sexual intercourse with a male person,

is guilty of an indictable offence and is liable to imprisonment for ten years.

Abduction of female under sixteen.

235. (1) Every one who, without lawful authority, takes or causes to be taken an unmarried female person under the age of sixteen years out of the possession of and against the will of her parent or guardian or of any other person who has lawful care or charge of her is guilty of an indictable offence and is liable to imprisonment for five years.

(2) For the purpose of proceedings under this section it is not material whether

Consent immaterial.

(a) the female person is taken with her own consent or at her own suggestion, or

Belief as to age immaterial.

(b) the accused believes that the female person is sixteen years of age or more.

Abduction of child under fourteen.

236. (1) Every one who, with intent to deprive a parent or guardian or any other person who has lawful care or charge of a child under the age of fourteen years of the possession of that child, or with intent to steal anything on or about the person of such a child, unlawfully

(a) takes or entices away or detains the child, or

233. Section 297.

234. Section 313.

235. Section 315.

236. Section 316.

(b) receives or harbours the child,

is guilty of an indictable offence and is liable to imprisonment for ten years.

Bona fide claim of right.

(2) This section does not apply to a person who, claiming in good faith a right to possession of a child, obtains possession of the child.

Abortion.

Procuring miscarriage.

237. (1) Every one who, with intent to procure the miscarriage of a female person, whether or not she is pregnant, uses any means for the purpose of carrying out his intention is guilty of an indictable offence and is liable to imprisonment for life.

Woman procuring her own miscarriage.

(2) Every female person who, being pregnant, with intent to procure her own miscarriage, uses any means or permits any means to be used for the purpose of carrying out her intention is guilty of an indictable offence and is liable to imprisonment for two years.

"Means" defined.

(3) In this section, "means" includes

(a) the administration of a drug or other noxious thing,

(b) the use of an instrument, and

(c) manipulation of any kind.

Supplying noxious things.

238. Every one who unlawfully supplies or procures a drug or other noxious thing or an instrument or thing, knowing that it is intended to be used or employed to procure the miscarriage of a female person, whether or not she is pregnant, is guilty of an indictable offence and is liable to imprisonment for two years.

Venereal Diseases.

Venereal disease.

239. (1) Every one who, having venereal disease in a communicable form, communicates it to another person is guilty of an offence punishable on summary conviction.

Defence.

(2) No person shall be convicted of an offence under this section where he proves that he had reasonable grounds to believe and did believe that he did not have venereal disease in a communicable form at the time the offence is alleged to have been committed.

Corroboration.

(3) No person shall be convicted of an offence under this section upon the evidence of only one witness, unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

"Venereal disease."

(4) For the purposes of this section, "venereal disease" means syphilis, gonorrhea or soft chancre.

237. Sections 303 and 304.

238. Section 305.

239. Section 307.

Offences Against Conjugal Rights.

"Bigamy."

240. (1) Every one commits bigamy who

(a) in Canada,

(i) being married, goes through a form of marriage with another person,

(ii) knowing that another person is married, goes through a form of marriage with that person, or

(iii) on the same day or simultaneously, goes through a form of marriage with more than one person; or

(b) being a Canadian citizen resident in Canada leaves Canada with intent to do anything mentioned in subparagraphs (i) to (iii) of paragraph *(a)* and, pursuant thereto, does outside of Canada anything mentioned in those subparagraphs in circumstances mentioned therein.

Matters of defence.

(2) No person commits bigamy by going through a form of marriage if

Belief that spouse dead.

(a) that person in good faith and on reasonable grounds believes that his spouse is dead,

Absence for seven years.

(b) the spouse of that person has been continuously absent from him for seven years immediately preceding the time when he goes through the form of marriage, unless he knew that his spouse was alive at any time during those seven years,

Divorce.

(c) that person has been divorced from the bond of the first marriage, or

Annulment.

(d) the former marriage has been declared void by a court of competent jurisdiction.

Incompetency no defence.

(3) Where a person is alleged to have committed bigamy, it is not a defence that the parties would, if unmarried, have been incompetent to contract marriage under the law of the place where the offence is alleged to have been committed.

Validity presumed.

(4) Every marriage or form of marriage shall, for the purpose of this section, be deemed to be valid unless the accused establishes that it was invalid.

Act or omission by accused does not invalidate.

(5) No act or omission on the part of an accused who is charged with bigamy invalidates a marriage or form of marriage that is otherwise valid.

Punishment.

241. (1) Every one who commits bigamy is guilty of an indictable offence and is liable to imprisonment for five years.

Certificate of marriage.

(2) For the purposes of this section a certificate of marriage is *prima facie* evidence of the marriage or form of marriage to which it relates without proof of the signature or official character of the person by whom it purports to be signed.

240. Section 308.

241. (1) Section 309 (1)

(2) New.

Procuring feigned marriage.

242. (1) Every male person who

(a) procures, or

(b) knowingly aids in procuring,

a feigned marriage between himself and a female person is guilty of an indictable offence and is liable to imprisonment for five years.

Corroboration.

(2) No person shall be convicted of an offence under this section upon the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

243. (1) Every one who

(a) practises or enters into or in any manner agrees or consents to practise or enter into

Polygamy.

(i) any form of polygamy, or

Conjugal union.

(ii) any kind of conjugal union with more than one person at the same time,

whether or not it is by law recognized as a binding form of marriage; or

Celebrating rite.

(b) celebrates, assists or is a party to a rite, ceremony, contract or consent that purports to sanction a relationship mentioned in subparagraph (i) or (ii) of paragraph *(a)*,

is guilty of an indictable offence and is liable to imprisonment for five years.

Evidence in case of polygamy.

(2) Where an accused is charged with an offence under this section, no averment or proof of the method by which the alleged relationship was entered into, agreed to or consented to is necessary in the indictment or upon the trial of the accused, nor is it necessary upon the trial to prove that the persons who are alleged to have entered into the relationship had or intended to have sexual intercourse.

Unlawful Solemnization of Marriage.

244. Every one who

Pretending to solemnize marriage.

(a) solemnizes or pretends to solemnize a marriage without lawful authority, the proof of which lies upon him, or

Procuring unlawful marriage.

(b) procures a person to solemnize a marriage knowing that he is not lawfully authorized to solemnize the marriage,

is guilty of an indictable offence and is liable to imprisonment for two years.

Marriage contrary to law.

245. Every one who, being lawfully authorized to solemnize marriage, knowingly and wilfully solemnizes a marriage in violation of the laws of the province in which the marriage is solemnized is guilty of an indictable offence and is liable to imprisonment for two years.

242. Sections 309 (2) and 1002 (*d*).

243. (1) Section 310.

(2) Section 948.

244. Section 311.

245. Section 312.

Blasphemous Libel.

Offence.

246. (1) Every one who publishes a blasphemous libel is guilty of an indictable offence and is liable to imprisonment for two years.

Question of fact.

(2) It is a question of fact whether or not any matter that is published is a blasphemous libel.

Saving.

(3) No person shall be convicted of an offence under this section for expressing in good faith and in decent language, or attempting to establish by argument used in good faith and conveyed in decent language, an opinion upon a religious subject.

Defamatory Libel.

"Newspaper."

247. In sections 248 to 267, "newspaper" means any paper, magazine or periodical containing public news, intelligence or reports of events, or any remarks or observations thereon, printed for sale and published periodically or in parts or numbers, at intervals not exceeding thirty-one days between the publication of any two such papers, parts or numbers, and any paper, magazine or periodical printed in order to be dispersed and made public, weekly or more often, or at intervals not exceeding thirty-one days, that contains advertisements, exclusively or principally.

Definition.

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

Mode of expression.

(2) A defamatory libel may be expressed directly or by insinuation or irony

(a) in words legibly marked upon any substance, or

(b) by any object signifying a defamatory libel otherwise than by words.

"Publishing."

249. A person publishes a libel when he

(a) exhibits it in public,

(b) causes it to be read or seen, or

(c) shows or delivers it, or causes it to be shown or delivered, with intent that it should be read or seen by the person whom it defames or by any other person.

Punishment of libel known to be false.

250. Every one who publishes a defamatory libel that he knows is false is guilty of an indictable offence and is liable to imprisonment for two years or to a fine of five thousand dollars or to both.

246. Section 198.

247. Section 2 (23).

248. Section 317.

249. Section 318.

250. Section 333.

Punishment for defamatory libel.

251. Every one who publishes a defamatory libel is guilty of an indictable offence and is liable to imprisonment for two years or to a fine of one thousand dollars or to both.

Extortion by libel.

252. (1) Every one commits an offence who, with intent

(a) to extort money from any person, or

(b) to induce a person to confer upon or procure for another person an appointment or office of profit or trust,

publishes or threatens to publish or offers to abstain from publishing or to prevent the publication of a defamatory libel.

Idem.

(2) Every one commits an offence who, as the result of the refusal of any person to permit money to be extorted or to confer or procure an appointment or office of profit or trust, publishes or threatens to publish a defamatory libel.

Punishment.

(3) Every one who commits an offence under this section is guilty of an indictable offence and is liable to imprisonment for two years or to a fine of six hundred dollars or to both.

Proprietor of newspaper presumed responsible.

253. (1) The proprietor of a newspaper shall be deemed to publish defamatory matter that is inserted and published therein, unless he proves that the defamatory matter was inserted in the newspaper without his knowledge and without negligence on his part.

General authority to manager when negligence.

(2) Where the proprietor of a newspaper gives to a person general authority to manage or conduct the newspaper as editor or otherwise, the insertion by that person of defamatory matter in the newspaper shall, for the purposes of subsection (1), be deemed not to be negligence on the part of the proprietor unless it is proved that

(a) he intended the general authority to include authority to insert defamatory matter in the newspaper, or

(b) he continued to confer general authority after he knew that it had been exercised by the insertion of defamatory matter in the newspaper.

Selling newspapers.

(3) No person shall be deemed to publish a defamatory libel by reason only that he sells a number or part of a newspaper that contains a defamatory libel, unless he knows that the number or part contains defamatory matter or that defamatory matter is habitually contained in the newspaper.

Selling book containing defamatory libel.

254. (1) No person shall be deemed to publish a defamatory libel by reason only that he sells a book, magazine, pamphlet or other thing, other than a newspaper that contains defamatory matter if, at the time of the sale, he does not know that it contains the defamatory matter.

251. Section 334.

252. Section 332.

253. Section 329.

254. Section 330.

Sale by servant.

Exemption of master.

(2) Where a servant, in the course of his employment, sells a book, magazine, pamphlet or other thing, other than a newspaper, the employer shall be deemed not to publish any defamatory matter contained therein unless it is proved that the employer authorized the sale knowing that

(a) defamatory matter was contained therein, or

(b) defamatory matter was habitually contained therein, in the case of a periodical.

Publishing proceedings of courts of justice.

255. No person shall be deemed to publish a defamatory libel by reason only that he publishes defamatory matter

(a) in a proceeding held before or under the authority of a court exercising judicial authority, or

(b) in an inquiry made under the authority of an Act or by order of Her Majesty, or under the authority of a public department or a department of the government of a province.

Parliamentary papers.

256. No person shall be deemed to publish a defamatory libel by reason only that he

(a) publishes to the Senate or House of Commons or to a legislature, defamatory matter contained in a petition to the Senate or House of Commons or to the legislature, as the case may be,

(b) publishes by order or under the authority of the Senate or House of Commons or of a legislature, a paper containing defamatory matter, or

(c) publishes, in good faith and without ill-will to the person defamed, an extract from or abstract of a petition or paper mentioned in paragraph *(a)* or *(b)*.

Fair reports of parliamentary or judicial proceedings.

257. (1) No person shall be deemed to publish a defamatory libel by reason only that he publishes in good faith, for the information of the public, a fair report of the proceedings of the Senate or House of Commons or a legislature, or a committee thereof, or of the public proceedings before a court exercising judicial authority, or publishes, in good faith, any fair comment upon any such proceedings.

Divorce proceedings an exception.

(2) This section does not apply to a person who publishes a report of evidence taken or offered in any proceeding before the Senate or House of Commons or any committee thereof, upon a petition or bill relating to any matter of marriage or divorce, if the report is published without authority from or leave of the House in which the proceeding is held or is contrary to any rule, order or practice of that House.

255. Section 320.

256. Section 321.

257. Section 322.

Fair report of public meeting.

258. No person shall be deemed to publish a defamatory libel by reason only that he publishes in good faith, in a newspaper, a fair report of the proceedings of any public meeting if

(a) the meeting is lawfully convened for a lawful purpose and is open to the public,

(b) the report is fair and accurate,

(c) the publication of the matter complained of is for the public benefit, and

(d) he does not refuse to publish in a conspicuous place in the newspaper a reasonable explanation or contradiction by the person defamed in respect of the defamatory matter.

Public benefit.

259. No person shall be deemed to publish a defamatory libel by reason only that he publishes defamatory matter that, on reasonable grounds, he believes is true, and that is relevant to any subject of public interest, the public discussion of which is for the public benefit.

Fair comment.

On public person.

On work of art or literature.

260. No person shall be deemed to publish a defamatory libel by reason only that he publishes fair comments

(a) upon the public conduct of a person who takes part in public affairs, or

(b) upon a published book or other literary production, or on any composition or work of art or performance publicly exhibited, or on any other communication made to the public on any subject, if the comments are confined to criticism thereof.

When truth a defence.

261. No person shall be deemed to publish a defamatory libel where he proves that the publication of the defamatory matter in the manner in which it was published was for the public benefit at the time when it was published and that the matter itself was true.

Publication invited or necessary.

262. No person shall be deemed to publish a defamatory libel by reason only that he publishes defamatory matter

(a) on the invitation or challenge of the person in respect of whom it is published, or

(b) that it is necessary to publish in order to refute defamatory matter published in respect of him by another person,

if he believes that the defamatory matter is true and it is relevant to the invitation, challenge or necessary refutation, as the case may be, and does not in any respect exceed what is reasonably sufficient in the circumstances.

258. Section 323.

259. Section 324.

260. Section 325.

261. Section 331.

262. Section 319.

Answer to inquiries.

263. No person shall be deemed to publish a defamatory libel by reason only that he publishes, in answer to inquiries made to him, defamatory matter relating to a subject matter in respect of which the person by or on whose behalf the inquiries are made has an interest in knowing the truth or who, on reasonable grounds, the person who publishes the defamatory matter believes has such an interest, if

(a) the matter is published, in good faith, for the purpose of giving information in answer to the inquiries,

(b) the person who publishes the defamatory matter believes that it is true,

(c) the defamatory matter is relevant to the inquiries, and

(d) the defamatory matter does not in any respect exceed what is reasonably sufficient in the circumstances.

Giving information to person interested.

264. No person shall be deemed to publish a defamatory libel by reason only that he publishes to another person defamatory matter for the purpose of giving information to that person with respect to a subject matter in which the person to whom the information is given has, or is believed on reasonable grounds by the person who gives it to have, an interest in knowing the truth with respect to that subject matter if

Conditions.

(a) the conduct of the person who gives the information is reasonable in the circumstances,

(b) the defamatory matter is relevant to the subject matter, and

(c) the defamatory matter is true, or if it is not true, is made without ill-will towards the person who is defamed and is made in the belief, on reasonable grounds, that it is true.

Publication in good faith for redress of wrong.

265. No person shall be deemed to publish a defamatory libel by reason only that he publishes defamatory matter in good faith for the purpose of seeking remedy or redress for a private or public wrong or grievance from a person who has, or who on reasonable grounds he believes has the right or is under an obligation to remedy or redress the wrong or grievance, if

(a) he believes that the defamatory matter is true,

(b) the defamatory matter is relevant to the remedy or redress that is sought, and

(c) the defamatory matter does not in any respect exceed what is reasonably sufficient in the circumstances.

Proving publication by order of legislature.

266. (1) An accused who is alleged to have published a defamatory libel may, at any stage of the proceedings, adduce evidence to prove that the matter that is alleged to be

263. Section 327.

264. Section 328.

265. Section 326.

266. Sections 912, 913 and 947.

defamatory was contained in a paper published by order or under the authority of the Senate or House of Commons or a legislature.

Directing verdict.

(2) Where at any stage in proceedings referred to in subsection (1) the court, judge, justice or magistrate is satisfied that matter alleged to be defamatory was contained in a paper published by order or under the authority of the Senate or House of Commons or a legislature, he shall direct a verdict of not guilty to be entered and shall discharge the accused.

Certificate of order.

(3) For the purposes of this section a certificate under the hand of the Speaker or clerk of the Senate or House of Commons or a legislature to the effect that the matter that is alleged to be defamatory was contained in a paper published by order or under the authority of the Senate, House of Commons or legislature, as the case may be, is conclusive evidence thereof.

VERDICTS.

Verdicts in cases of defamatory libel.

267. Where, on the trial of an indictment for publishing a defamatory libel, a plea of not guilty is pleaded, the jury that is sworn to try the issue may give a general verdict of guilty or not guilty upon the whole matter put in issue upon the indictment, and shall not be required or directed by the judge to find the defendant guilty merely on proof of publication by the defendant of the alleged defamatory libel, and of the sense ascribed thereto in the indictment, but the judge may, in his discretion, give a direction or opinion to the jury on the matter in issue as in other criminal proceedings, and the jury may, on the issue, find a special verdict.

267. Section 956.

PART VII.

OFFENCES AGAINST RIGHTS OF PROPERTY.

Interpretation

268. In this Part,

"Break." *(a)* "break" means

(i) to break any part, internal or external, or

(ii) to open any thing that is used or intended to be used to close or to cover an internal or external opening;

"Document." *(b)* "document" means any paper, parchment or other material used for writing or printing, marked with matter capable of being read, but does not include trade-marks on articles of commerce or inscriptions on stone or metal or other like material;

"Exchequer bill." *(c)* "exchequer bill" means a bank note, bond, note, debenture or security that is issued or guaranteed by Her Majesty under the authority of the Parliament of Canada or the legislature of a province;

"Exchequer bill paper." *(d)* "exchequer bill paper" means paper that is used to manufacture exchequer bills;

"False document." *(e)* "false document" means a document

(i) the whole or some material part of which purports to be made by or on behalf of a person

(A) who did not make it or authorize it to be made, or

(B) who did not in fact exist;

(ii) that is made by or on behalf of the person who purports to make it but is false in some material particular;

(iii) that is made in the name of an existing person, by him or under his authority, with a fraudulent intention that it should pass as being made by some person, real or fictitious, other than the person who makes it or under whose authority it is made; and

"Revenue paper." *(f)* "revenue paper" means paper that is used to make stamps, licences or permits or for any purpose connected with the public revenue.

Theft.

"Theft." **269.** (1) Every one commits theft who fraudulently and without colour of right takes, or fraudulently and

268. Section 335.

269. Sections 345 and 347.

without colour of right converts to his use or to the use of another person, anything whether animate or inanimate, with intent,

(a) to deprive, temporarily or absolutely, the owner of it or a person who has a special property or interest in it, of the thing or of his property or interest in it,

(b) to pledge it or deposit it as security,

(c) to part with it under a condition with respect to its return that the person who parts 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 it was taken or converted.

Time when theft completed.

(2) A person commits theft when, with intent to steal anything, he moves it or causes it to move or to be moved, or begins to cause it to become movable.

Secrecy.

(3) A taking or conversion of anything may be fraudulent notwithstanding that it is effected without secrecy or attempt at concealment.

Purpose of taking.

(4) For the purposes of this Act the question whether anything that is converted is taken for the purpose of conversion, or whether it is, at the time it is converted, in the lawful possession of the person who converts it is not material.

Living creature wild by nature.

(5) For the purposes of this section a person who has a wild living creature in captivity shall be deemed to have a special property or interest in it while it is in captivity and after it has escaped from captivity.

Oysters.

270. (1) Where oysters and oyster brood are in oyster beds, layings or fisheries that are the property of any person and are sufficiently marked out or known as the property of that person, he shall be deemed to have a special property or interest in them.

Oyster bed.

(2) An indictment is sufficient if it describes an oyster bed, laying or fishery by name or in some other way, without stating that it is situated in a particular territorial division.

Theft by bailee of things under seizure.

271. Every one who is a bailee of anything that is under lawful seizure by a peace officer or public officer in the execution of the duties of his office, and who is obliged by law or agreement to produce and deliver it to that officer or to another person entitled thereto at a certain time and place, or upon demand, steals it if he does not produce and deliver it in accordance with his obligation, but he does not steal it if his failure to produce and deliver it is not the result of a wilful act or omission by him.

270. Sections 346 and 864 *(e)*.

271. Section 348.

Agent pledging goods, when not theft.

272. A factor or agent does not commit theft by pledging or giving a lien on goods or documents of title to goods that are entrusted to him for the purpose of sale or for any other purpose, if the pledge or lien is for an amount that does not exceed the sum of

(a) the amount due to him from his principal at the time the goods or documents are pledged or the lien is given, and

(b) the amount of any bill of exchange that he has accepted for or on account of his principal.

Theft of services.

273. Every one commits theft who fraudulently

(a) abstracts, consumes or uses electricity or gas or causes it to be wasted or diverted, or

(b) uses a telephone or telegraph line or obtains telephone or telegraph service.

Theft by or from person having special property or interest.

274. A person may be convicted of theft notwithstanding that anything that is alleged to have been stolen was stolen

(a) by the owner of it from a person who has a special property or interest in it,

(b) by a person who has a special property or interest in it from the owner of it,

(c) by a lessee of it from his reversioner,

(d) by one of several joint owners, tenants in common or partners of or in it from the other persons who have an interest in it, or

(e) by the directors, officers or members of a company, body corporate, unincorporated body or of a society associated together for a lawful purpose from the company, body corporate, unincorporated body or society, as the case may be.

Husband or wife.

275. (1) Subject to subsection (2), no husband or wife, during cohabitation, commits theft of anything that is by law the property of the other.

Theft by spouse while living apart.

(2) A husband or wife commits theft who, intending to desert or on deserting the other or while living apart from the other, fraudulently takes or converts anything that is by law the property of the other in a manner that, if it were done by another person, would be theft.

(3) Every one commits theft who, during cohabitation of a husband and wife, knowingly,

Theft by person assisting spouse.

(a) assists either of them in dealing with anything that is by law the property of the other in a manner that would be theft if they were not married, or

Receiving property of spouse.

(b) receives from either of them anything that is by law the property of the other and has been obtained from the other by dealing with it in a manner that would be theft if they were not married.

272. Section 349 (1).

273. Section 351.

274. Section 352.

275. Section 354.

Theft by person required to account.

276. (1) Every one commits theft who, having received anything from any person on terms that require him to account for or pay it or the proceeds of it or a part of the proceeds to that person or another person, fraudulently fails to account for or pay it or the proceeds of it or the part of the proceeds of it accordingly.

Effect of entry in account.

(2) Where subsection (1) otherwise applies, but one of the terms is that the thing received or the proceeds or part of the proceeds of it shall be an item in a debtor and creditor account between the person who receives the thing and the person to whom he is to account for or to pay it, and that the latter shall rely only on the liability of the other as his debtor in respect thereof, a proper entry in that account of the thing received or the proceeds or part of the proceeds of it, as the case may be, is a sufficient accounting therefor, and no fraudulent conversion of the thing or the proceeds or part of the proceeds of it thereby accounted for shall be deemed to have taken place.

Theft by person holding power of attorney.

277. Every one commits theft who, being entrusted, whether solely or jointly with another person, with a power of attorney for the sale, mortgage, pledge or other disposition of real or personal property, fraudulently sells, mortgages, pledges or otherwise disposes of the property or any part of it, or fraudulently converts the proceeds of a sale, mortgage, pledge or other disposition of the property, or any part of the proceeds, to some purpose other than that for which he was entrusted by the power of attorney.

Misappropriation of money held under direction.

278. (1) Every one commits theft who, having received, either solely or jointly with another person, money or valuable security or a power of attorney for the sale of real or personal property, with a direction that the money or a part of it, or the proceeds or a part of the proceeds of the security or the property shall be applied to a purpose or paid to a person specified in the direction, fraudulently and contrary to the direction applies to any other purpose or pays to any other person the money or proceeds or any part of it.

Effect of entry in account.

(2) This section does not apply where a person who receives anything mentioned in subsection (1) and the person from whom he receives it deal with each other on such terms that all money paid to the former would, in the absence of any such direction, be properly treated as an item in a debtor and creditor account between them, unless the direction is in writing.

Taking ore for scientific purpose.

279. No person commits theft by reason only that he takes, for the purpose of exploration or scientific investigation, a specimen of ore or mineral from land that is not enclosed and is not occupied or worked as a mine, quarry or digging.

276. Section 355.

277. Section 356.

278. Section 357.

279. Section 378(2).

Punishment for theft.

280. Except where otherwise prescribed by law, every one who commits theft is guilty of an indictable offence and is liable

(a) to imprisonment for ten years, where the alleged value of what is alleged to have been stolen exceeds fifty dollars, or

(b) to imprisonment for two years, where the alleged value of what is alleged to have been stolen does not exceed fifty dollars.

Offences Resembling Theft.

Taking motor vehicle without consent.

281. Every one who, without the consent of the owner, takes a motor vehicle with intent to drive or use it or cause it to be driven or used is guilty of an offence punishable on summary conviction.

Criminal breach of trust.

282. Every one who, being a trustee of anything for the use or benefit, whether in whole or in part, of another person, or for a public or charitable purpose, converts, with intent to defraud and in violation of his trust, that thing or any part of it to a use that is not authorized by the trust is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Public servant refusing to deliver property.

283. Every one who, being or having been employed in the service of Her Majesty in right of Canada or in right of a province, or in the service of a municipality, and entrusted by virtue of that employment with the receipt, custody, management or control of anything, refuses or fails to deliver it to a person who is authorized to demand it and does demand it, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

284. (1) Every one who, without the consent of the owner,

Fraudulently taking cattle.

(a) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells, cattle that are found astray; or

Defacing brand on cattle.

(b) fraudulently, in whole or in part,

(i) obliterates, alters or defaces, a brand or mark on cattle, or

(ii) makes a false or counterfeit brand or mark on cattle,

is guilty of an indictable offence and is liable to imprisonment for five years.

Evidence of property in cattle.

(2) In any proceedings under this Act, evidence that cattle are marked with a brand or mark that is recorded or registered in accordance with any Act is *prima facie* evidence that the cattle are owned by the registered owner of that brand or mark.

280. New.

281. Section 285 (3).

282. Section 390.

283. Section 391.

284. (1) Section 392.

(2) and (3). Section 989.

Presumption from possession.

(3) Where an accused is charged with theft of cattle or with an offence under subsection (1), the burden of proving that the cattle came lawfully into the possession of the accused or his employee or into the possession of another person on behalf of the accused is on the accused, if the accused is not the registered owner of the brand or mark with which the cattle are marked, unless it appears that possession of the cattle by an employee of the accused or by another person on behalf of the accused was without the knowledge and authority, sanction or approval of the accused.

Taking possession etc., of drift timber.

285. (1) Every one is guilty of an indictable offence and is liable to imprisonment for five years who, without the consent of the owner,

(a) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells,

(b) defaces a mark or number on, or

(c) refuses to deliver up to the owner or to the person in charge thereof on behalf of the owner or to a person authorized by the owner to receive it,

any lumber or lumbering equipment that is found adrift, cast ashore or lying upon or embedded in the bed or bottom, or on the bank or beach of a river, stream or lake in Canada, or in the harbours or any of the coastal waters of Canada.

Dealer in second hand goods.

(2) Every one who, being a dealer in second-hand goods of any kind, trades or traffics in or has in his possession for sale or traffic any lumbering equipment that is marked with the mark, brand, registered trade mark, name or initials of a person, without the written consent of that person, is guilty of an offence punishable on summary conviction.

Search for timber unlawfully detained.

(3) A peace officer who suspects, on reasonable grounds, that any lumber owned by any person and bearing the registered trade-mark of that person is kept or detained in or on any place without the knowledge or consent of that person, may enter into or upon that place to ascertain whether or not it is detained there without the knowledge or consent of that person.

Evidence of property in timber.

(4) Where any lumber or lumbering equipment is marked with a timber mark or a boom chain brand registered under any Act, the mark or brand is *prima facie* evidence, in proceedings under subsection (1), that it is the property of the registered owner of the mark or brand.

Presumption from possession.

(5) Where an accused or his servants or agents are in possession of lumber or lumbering equipment marked with the mark, brand, registered trade mark, name or initials of another person, the burden of proving that it came lawfully into his possession or into possession of his servants or agents is, in proceedings under subsection (1), on the accused.

285. (1) Section 394.

(2) Section 431 (4).

(3) Section 638.

(4) and (5). Section 990.

"Coastal waters."

(6) In this section,

(a) "coastal waters of Canada" includes all of Queen Charlotte Sound, all the Strait of Georgia and the Canadian waters of the Strait of Juan de Fuca,

"Lumber."

(b) "lumber" means timber, mast, spar, sawlog or lumber of any description, and

"Lumbering equipment."

(c) "lumbering equipment" includes a boom chain, chain, line and shackle.

Destroying documents of title.

286. Every one who, for a fraudulent purpose, destroys, cancels, conceals or obliterates

(a) a document of title to goods or lands,

(b) a valuable security or testamentary instrument, or

(c) a judicial or official document,

is guilty of an indictable offence and is liable to imprisonment for ten years.

Fraudulent concealment.

287. Every one who, for a fraudulent purpose, takes, obtains, removes or conceals anything is guilty of an indictable offence and is liable to imprisonment for two years.

Robbery and Extortion.

"Robbery."

288. Every one commits robbery who

(a) steals, and for the purpose of extorting whatever is stolen or to prevent or overcome resistance to the stealing, uses violence or threats of violence to a person or property,

(b) steals from any person and, at the time he steals or immediately before or immediately thereafter, wounds, beats, strikes or uses any personal violence to that person,

(c) assaults any person with intent to steal from him, or

(d) steals from any person while armed with an offensive weapon or imitation thereof.

Punishment for robbery.

289. Every one who commits robbery is guilty of an indictable offence and is liable to imprisonment for life and to be whipped.

Stopping mail with intent.

290. Every one who stops a mail conveyance with intent to rob or search it is guilty of an indictable offence and is liable to imprisonment for life.

Extortion.

291. (1) Every one who, without reasonable justification or excuse and with intent to extort or gain anything, by threats, accusations, menaces or violence induces or attempts to induce any person, whether or not he is the

(6) Section 394.

286. Section 396.

287. Section 397.

288. Sections 445, 446 and 448.

289. Section 447.

290. Section 449.

291. Sections 450 to 454.

person threatened, accused or menaced or to whom violence is shown, to do anything or to cause anything to be done, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Saving. (2) A threat to institute civil proceedings is not a threat for the purposes of this section.

Breaking and Entering.

292. (1) Every one who

Breaking and entering with intent. *(a)* breaks and enters a place with intent to commit an indictable offence therein;

Breaking and entering and committing. *(b)* breaks and enters a place and commits an indictable offence therein; or

Breaking out. *(c)* breaks out of a place after

(i) committing an indictable offence therein, or

(ii) entering the place with intent to commit an indictable offence therein,

is guilty of an indictable offence and is liable

Punishment. *(d)* to imprisonment for life, if the offence is committed in relation to a dwelling house, or

Idem. *(e)* to imprisonment for fourteen years, if the offence is committed in relation to a place other than a dwelling house.

Presumptions. (2) For the purposes of proceedings under this section, evidence that an accused

(a) broke and entered a place is *prima facie* evidence that he broke and entered with intent to commit an indictable offence therein; or

(b) broke out of a place is *prima facie* evidence that he broke out after

(i) committing an indictable offence therein, or

(ii) entering with intent to commit an indictable offence therein.

Committing offence when armed. (3) Every one who is convicted of an offence under this section who had upon his person, at the time he committed the offence or was arrested therefor, an offensive weapon or imitation thereof, is liable to be whipped in addition to any other punishment that may be imposed in respect of the offence for which he is convicted.

"Place." (4) For the purposes of this section, "place" means

(a) a dwelling house,

(b) a building or structure or any part thereof, other than a dwelling house,

(c) a railway vehicle, vessel, aeroplane or trailer, or

(d) a pen or enclosure in which fur-bearing animals are kept in captivity for breeding or commercial purposes.

292. Sections 455 to 461.

Being unlawfully in dwelling house.

293. (1) Every one who without lawful excuse, the proof of which lies upon him, enters or is in a dwelling house with intent to commit an indictable offence therein is guilty of an indictable offence and is liable to imprisonment for ten years.

Presumption.

(2) For the purposes of proceedings under this section, evidence that an accused, without lawful excuse, entered or was in a dwelling house is *prima facie* evidence that he entered or was in the dwelling house with intent to commit an indictable offence therein.

"Entrance."

294. For the purposes of sections 292 and 293,

(a) a person enters as soon as any part of his body or any part of an instrument that he uses is within any thing that is being entered; and

(b) a person shall be deemed to have broken and entered if

(i) he obtained entrance by a threat or artifice or by collusion with a person within, or

(ii) he entered without lawful justification or excuse, the proof of which lies upon him, by a permanent or temporary opening.

295. Every one who without lawful excuse, the proof of which lies upon him,

Possession of housebreaking instruments.

(a) has in his possession any instrument for housebreaking, vault-breaking or safe-breaking, or

Disguise.

(b) has his face masked or coloured or is otherwise disguised,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Receiving and Retaining.

Receiving property obtained by crime.

296. Every one who receives anything knowing that it was obtained

(a) by the commission in Canada of an offence punishable by indictment, or

(b) by an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence punishable by indictment,

is guilty of an indictable offence and is liable

(c) to imprisonment for ten years, where the alleged value of what is alleged to have been received exceeds fifty dollars, or

(d) to imprisonment for two years, where the alleged value of what is alleged to have been received does not exceed fifty dollars.

Retaining property obtained by crime.

297. Everyone who retains in his possession anything knowing that it was obtained

(a) by the commission in Canada of an offence punishable by indictment, or

293. Section 462.

294. Section 340.

295. Section 464.

296. Section 399.

297. Section 399.

(b) by an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence punishable by indictment,

is guilty of an indictable offence and is liable

(c) to imprisonment for ten years, where the alleged value of what is alleged to have been retained exceeds fifty dollars, or

(d) to imprisonment for two years, where the alleged value of what is alleged to have been retained does not exceed fifty dollars.

Theft from mail.

298. (1) Every one who

(a) steals

(i) anything sent by post, after it is deposited at a post office and before it is delivered,

(ii) a bag, sack or other container or covering in which mail is conveyed, whether it does or does not contain mail, or

(iii) a key suited to a lock adopted for use by the Canada Post Office,

(b) receives anything in respect of which he knows that an offence has been committed under paragraph *(a)*, or

(c) retains in his possession anything in respect of which he knows that an offence has been committed under paragraph *(a)*,

is guilty of an indictable offence and is liable to imprisonment for ten years and, where the offence is committed under paragraph *(a)*, to imprisonment for not less than six months.

Allegation of value not necessary.

(2) In proceedings for an offence under this section it is not necessary to allege in the indictment or to prove on the trial that anything in respect of which the offence was committed had any value.

Bringing into Canada property obtained by crime.

299. Every one who brings into or has in Canada anything that he has obtained outside of Canada by an act that, if it had been committed in Canada, would have been theft or receiving, is guilty of an indictable offence and is liable to imprisonment for ten years.

Receiving or retaining when complete.

300. For the purposes of sections 296, 297 and paragraphs *(b)* and *(c)* of subsection (1) of section 298, receiving or retaining is complete when a person has, alone or jointly with another person, possession of or control over anything mentioned in those sections or when he aids in concealing or disposing of it, as the case may be.

Evidence against persons receiving or retaining.

301. (1) Where an accused is charged with an offence under section 296, 297 or paragraph *(b)* or *(c)* of subsection (1) of section 298, evidence is admissible at any stage of the proceedings to show that property other than the property that is the subject matter of the proceedings

(a) was found in the possession of the accused, and

298. Sections 364, 365, 400 and 869.

299. Section 398.

300. Section 402.

301. Section 993.

(b) was obtained within twelve months before the proceedings were commenced by the commission in Canada of an offence punishable by indictment or by an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence punishable by indictment,

and that evidence may be considered for the purpose of proving that the accused knew that the property forming the subject matter of the proceedings was obtained by the commission in Canada of an offence punishable by indictment or by an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence punishable by indictment.

Notice to accused.

(2) Subsection (1) does not apply unless

(a) at least three days' notice in writing is given to the accused that in the proceedings it is intended to prove that property other than the property that is the subject matter of the proceedings was found in his possession, and

(b) the notice sets out the nature or description of the property and describes the person from whom it is alleged to have been obtained.

Evidence of previous conviction.

302. (1) Where an accused in charged with an offence under section 296, 297 or paragraph *(b)* or *(c)* of subsection (1) of section 298 and evidence is adduced that the subject matter of the proceedings was found in his possession, evidence that the accused was, within five years before the proceedings were commenced, convicted of an offence involving theft, receiving or retaining is admissible at any stage of the proceedings and may be taken into consideration for the purpose of proving that the accused knew that the property that forms the subject matter of the proceedings was unlawfully obtained.

Notice to accused.

(2) Subsection (1) does not apply unless at least three days' notice in writing is given to the accused that in the proceedings it is intended to prove the previous conviction.

False Pretences.

"False pretence."

303. (1) A false pretence is a representation of a matter of fact either present or past, made by words or otherwise, that is known by the person who makes it to be false and that is made with a fraudulent intent to induce the person to whom it is made to act upon it.

Exaggeration.

(2) Exaggerated commendation or depreciation of the quality of anything is not a false pretence unless it is carried to such an extent that it amounts to a fraudulent misrepresentation of fact.

Question of fact.

(3) For the purposes of subsection (2) it is a question of fact whether commendation or depreciation amounts to a fraudulent misrepresentation of fact.

302. Section 994.

303. Section 404.

304. (1) Every one commits an offence who

Obtaining by false pretence.

(a) by a false pretence, whether directly or through the medium of a contract obtained by a false pretence, obtains anything in respect of which the offence of theft may be committed or causes it to be delivered to another person;

Obtaining credit by false pretence.

(b) obtains credit by a false pretence or by fraud;

False statement in writing.

(c) knowingly makes or causes to be made, directly or indirectly, a false statement in writing with intent that it should be relied upon, with respect to the financial condition or means or ability to pay of himself or any person, firm or corporation that he is interested in or that he acts for, for the purpose of procuring, in any form whatsoever, whether for his benefit or the benefit of that person, firm or corporation,

(i) the delivery of personal property,

(ii) the payment of money,

(iii) the making of a loan,

(iv) the extension of credit,

(v) the discount of an account receivable, or

(vi) the making, accepting, discounting or endorsing of a bill of exchange, cheque, draft, or promissory note; or

Idem.

(d) knowing that a false statement in writing has been made with respect to the financial condition or means or ability to pay of himself or another person, firm or corporation that he is interested in or that he acts for, procures upon the faith of that statement, whether for his benefit or for the benefit of that person, firm or corporation, anything mentioned in subparagraphs (i) to (vi) of paragraph *(c)*.

Punishment.

(2) Every one who commits an offence under paragraph *(a)* of subsection (1) is guilty of an indictable offence and is liable

(a) to imprisonment for ten years, where the alleged value of what is alleged to have been obtained exceeds fifty dollars, or

(b) to imprisonment for two years, where the alleged value of what is alleged to have been obtained does not exceed fifty dollars.

Punishment.

(3) Every one who commits an offence under paragraph *(b)*, *(c)* or *(d)* of subsection (1) is guilty of an indictable offence and is liable to imprisonment for ten years.

Presumption from cheque issued without funds.

(4) Where, in proceedings under paragraph *(a)* of subsection (1), it is shown that anything was obtained by the accused by means of a cheque that, when presented for payment within a reasonable time, was dishonoured on the ground that no funds or insufficient funds were on deposit to the credit of the accused in the bank on which the cheque was drawn, it shall be presumed to have been obtained by a false pretence, unless the court is satisfied by evidence

304. Sections 405 and 407 (2).

that when the accused issued the cheque he had reasonable grounds to believe and did believe that it would be honoured if presented for payment within a reasonable time after it was issued.

Obtaining execution of valuable security by fraud.

305. Every one who, with intent to defraud or injure another person, by a false pretence causes or induces any person

(a) to execute, make, accept, endorse or destroy the whole or any part of a valuable security, or

(b) to write, impress or affix a name or seal on any paper or parchment in order that it may afterwards be made or converted into or used or dealt with as a valuable security,

is guilty of an indictable offence and is liable to imprisonment for five years.

Publication of false advertisements.

306. (1) Every one who publishes or causes to be published an advertisement containing a statement that purports to be a statement of fact but that is untrue, deceptive or misleading or is intentionally so worded or arranged that it is deceptive or misleading, is guilty of an indictable offence and is liable to imprisonment for five years, if the advertisement is published

(a) to promote, directly or indirectly, the sale or disposal of property or any interest therein, or

(b) to promote a business or commercial interest.

Publication of statement without proper test.

(2) Every one who publishes or causes to be published in an advertisement a statement or guarantee of the performance, efficacy or length of life of anything that is not based upon an adequate and proper test of that thing, the proof of which lies upon the accused, is, if the advertisement is published to promote, directly or indirectly, the sale or disposal of that thing, guilty of an offence punishable on summary conviction.

Saving.

(3) Subsections (1) and (2) do not apply to a person who publishes an advertisement that he accepts in good faith for publication in the ordinary course of his business.

What is proper test.

(4) For the purposes of subsection (2), a test that is made by the National Research Council of Canada or by any other public department is an adequate and proper test, but no reference shall be made in an advertisement to indicate that a test has been made by the National Research Council or other public department unless the advertisement has, before publication, been approved and permission to publish it has been given in writing by the president of the National Research Council or by the deputy head of the public department, as the case may be.

Idem.

(5) Nothing in subsection (4) shall be deemed to exclude, for the purposes of this section, any other adequate or proper test.

305. Section 406 (1).

306. Section 406 (2) and (3).

Fraudulently obtaining food and lodging.

307. (1) Every one who fraudulently obtains food, lodging or other accommodation at an hotel or inn or at a lodging, boarding or eating house is guilty of an offence punishable on summary conviction.

Presumption.

(2) In proceedings under this section, evidence that an accused obtained food, lodging or other accommodation at an hotel or inn or at a lodging, boarding or eating house, and did not pay for it and

(a) made a false or fictitious show or pretence of having baggage,

(b) had any false or pretended baggage,

(c) surreptitiously removed or attempted to remove his baggage or any material part of it,

(d) absconded or surreptitiously left the premises,

(e) knowingly made a false statement to obtain credit or time for payment, or

(f) offered a worthless cheque, draft or security in payment for his food, lodging or other accommodation,

is *prima facie* evidence of fraud.

Witchcraft.

Pretending to practise witchcraft, etc.

308. Every one who

(a) pretends to exercise or to use any kind of witchcraft, sorcery, enchantment or conjuration,

(b) undertakes, for a consideration, to tell fortunes, or

(c) pretends from his skill in or knowledge of an occult or crafty science to discover where or in what manner anything that is supposed to have been stolen or lost may be found,

is guilty of an offence punishable on summary conviction.

Forgery and Offences Resembling Forgery.

"Forgery."

309. (1) Every one commits forgery who makes a false document, knowing it to be false, with intent

(a) that it should in any way be used or acted upon as genuine, to the prejudice of any one whether within Canada or not, or

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

Making false document.

(2) Making a false document includes

(a) altering a genuine document in any material part,

(b) making a material addition to a genuine document or adding to it a false date, attestation, seal or other thing that is material, or

(c) making a material alteration in a genuine document by erasure, obliteration, removal or in any other way.

When forgery complete.

(3) Forgery is complete as soon as a document is made with the knowledge and intent referred to in subsection (1), notwithstanding that the person who makes it does not

307. Section 407 (3)

308. Section 443.

309. Section 466.

intend that any particular person should use or act upon it as genuine or be induced, by the belief that it is genuine, to do or refrain from doing anything.

Forgery complete though document incomplete.

(4) Forgery is complete notwithstanding that the false document is incomplete or does not purport to be a document that is binding in law, if it is such as to indicate that it was intended to be acted upon as genuine.

Punishment for forgery.

310. (1) Every one who commits forgery is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Corroboration.

(2) No person shall be convicted of an offence under this section upon the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

Uttering forged document.

311. (1) Every one who, knowing that a document is forged,

(a) uses, deals with, or acts upon it, or

(b) causes or attempts to cause any person to use, deal with, or act upon it,

as if the document were genuine, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Wherever forged.

(2) For the purposes of proceedings under this section, the place where a document was forged is not material.

Exchequer bill paper.

312. Every one who, without lawful authority or excuse, the proof of which lies upon him,

Making, etc.

(a) makes, uses or knowingly has in his possession

(i) any exchequer bill paper, revenue paper, or paper that is used to make bank notes, or

(ii) any paper that is intended to resemble paper mentioned in subparagraph (i);

Instruments.

(b) makes, offers or disposes of or knowingly has in his possession any plate, die, machinery, instrument or other writing or material that is adapted and intended to be used to commit forgery; or

Counterfeiting public seals.

(c) makes, reproduces or uses a public seal of Canada or of a province, or the seal of a public body or authority in Canada, or of a court of law,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Printing counterfeit proclamation.

313. Every one who knowingly

(a) prints a proclamation, order, regulation or appointment, or notice thereof, and causes it falsely to purport to have been printed by the Queen's Printer for Canada, or the Queen's Printer for a province, or

Tendering in evidence.

(b) tenders in evidence a copy of a proclamation, order, regulation or appointment that falsely purports to

310. Sections 468 and 1002.

311. Section 467.

312. Sections 471, 472 and 473.

313. Section 474.

have been printed by the Queen's Printer for Canada or the Queen's Printer for a province,

is guilty of an indictable offence and is liable to imprisonment for five years.

Telegram, etc., in false name.

314. Every one who, with intent to defraud, causes or procures a telegram, cablegram or radio message to be sent or delivered as being sent by the authority of another person, knowing that it is not sent by his authority and with intent that the message should be acted on as being sent by his authority, is guilty of an indictable offence and is liable to imprisonment for five years.

False messages.

315. Every one who, with intent to injure or alarm any person sends or causes or procures to be sent by telegram, letter, radio, cable or otherwise a message that contains matter that he knows is false is guilty of an indictable offence and is liable to imprisonment for two years.

Threatening letters.

316. (1) Every one commits an offence who sends, delivers, utters or directly or indirectly causes any person to receive

(a) a letter or writing that he knows contains a threat to cause the death of any person; or

(b) a letter or writing that he knows contains a threat

(i) to burn, destroy or damage real or personal property, or

(ii) to kill, maim, wound, poison or injure an animal or bird that is the property of any person.

Punishment.

(2) Every one who commits an offence under paragraph *(a)* of subsection (1) is guilty of an indictable offence and is liable to imprisonment for ten years.

(3) Every one who commits an offence under paragraph *(b)* of subsection (1) is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

Drawing document without authority.

317. Every one who

(a) with intent to defraud and without lawful authority makes, executes, draws, signs, accepts or endorses a document in the name or on the account of another person by procuration or otherwise, or

Uttering.

(b) makes use of or utters a document knowing that it has been made, executed, signed, accepted or endorsed with intent to defraud and without lawful authority, in the name or on the account of another person, by procuration or otherwise,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

314. Section 475.

315. Section 476.

316. Sections 265, 516, 537 (1) *(c)* and 538.

317. Section 477.

Obtaining, etc., by instrument based on forged document.

318. Every one who demands, receives, or obtains anything, or causes or procures anything to be delivered or paid to any person under, upon, or by virtue of any instrument issued under the authority of law, knowing that it is based on a forged document, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Counterfeiting stamp.

319. (1) Every one who

Using.

(a) fraudulently uses, mutilates, affixes, removes or counterfeits a stamp or part thereof;

Possessing.

(b) knowingly and without lawful excuse, the proof of which lies upon him, has in his possession

(i) a counterfeit stamp or a stamp that has been fraudulently mutilated, or

(ii) anything bearing a stamp of which a part has been fraudulently erased, removed or concealed; or

Instruments for counterfeiting stamps.

(c) without lawful excuse, the proof of which lies upon him, makes or knowingly has in his possession a die or instrument that is capable of making the impression of a stamp or part thereof,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Counterfeiting mark.

(2) Every one who, without lawful authority,

Selling.

(a) makes a mark,

Affixing false mark.

(b) sells, or exposes for sale, or has in his possession a counterfeit mark, or

Affixing counterfeit mark.

(c) affixes a mark to anything that is required by law to be marked, branded, sealed or wrapped other than the thing to which the mark was originally affixed or was intended to be affixed, or

(d) affixes a counterfeit mark to anything that is required by law to be marked, branded, sealed or wrapped,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

(3) In this section,

"Mark."

(a) "mark" means a mark, brand, seal, wrapper or design used by or on behalf of

(i) the Government of Canada or of a province,

(ii) the government of a state other than Canada, or

(iii) a department, board, commission or agent established by a government mentioned in subparagraph (i) or (ii) in connection with the service or business of that government; and

"Stamp."

(b) "stamp" means an impressed or adhesive stamp used for the purpose of revenue by the Government of Canada or of a province or by the government of a state other than Canada.

318. Section 478.

319. Section 479.

Injuring documents.

320. (1) Every one who unlawfully

(a) destroys, defaces or injures a register, or any part of a register of births, baptisms, marriages, deaths or burials that is required or authorized by law to be kept in Canada, or a copy or any part of a copy of such a register that is required by law to be transmitted to a registrar or other officer,

(b) inserts or causes to be inserted in a register or copy referred to in paragraph *(a)* an entry, that he knows is false, of any matter relating to a birth, baptism, marriage, death or burial, or erases any material part from such a register or copy,

(c) destroys, damages or obliterates an election document or causes an election document to be destroyed, damaged or obliterated, or

(d) makes or causes to be made an erasure, alteration or interlineation in or upon an election document,

is guilty of an indictable offence and is liable to imprisonment for five years.

"Election document."

(2) In this section, "election document" means any document or writing relating to an election held under the authority of an Act of the Parliament of Canada or of a legislature.

False copy from register.

321. Every one who

(a) being authorized or required by law to make or issue a certified copy of, extract from or certificate in respect of a register, record or document, knowingly makes or issues a false certified copy, extract or certificate,

Fraudulent copy by person not authorized.

(b) not being authorized or required by law to make or issue a certified copy of, extract from or certificate in respect of a register, record or document, fraudulently makes or issues a copy, extract or certificate that purports to be certified as authorized or required by law, or

Giving false particulars.

(c) being authorized or required by law to make a certificate or declaration concerning any particular required for the purpose of making entries in a register, record or document, knowingly and falsely makes the certificate or declaration,

is guilty of an indictable offence and is liable to imprisonment for five years.

320. Sections 480 to 483 and 528.

321. Sections 480 to 483.

PART VIII.

FRAUDULENT TRANSACTIONS RELATING TO CONTRACTS AND TRADE.

INTERPRETATION.

"False name or initials."

322. In this Part,

(a) "false name or initials" means, as applied to goods, the name or initials of a person,

(i) that are not a trade mark or part of a trade mark,

(ii) that are identical with, or are a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description who has not authorized the use of his name or initials, or

(iii) that are the name or initials of a fictitious person or of a person who does not *bona fide* carry on business in connection with such goods;

"Goods."

(b) "goods" means anything that is the subject of trade or commerce;

"Trade mark."

(c) "trade mark" means a trade mark or industrial design registered in accordance with *The Unfair Competition Act, 1932* or Part II of *The Trade Mark and Design Act*, the registration of which is in force by virtue of one of those Acts, and includes any trade mark that, either with or without registration, is protected by law in any place to which section 91 of the *Patents and Designs Act, 1907*, of the United Kingdom is, in accordance with the provisions of that Act, for the time being applicable;

"Trading stamps."

(d) "trading stamps" includes any form of cash receipt, receipt, coupon, premium ticket or other device, designed or intended to be given to the purchaser of goods by the vendor thereof or on his behalf, and to represent a discount on the price of the goods or a premium to the purchaser thereof

(i) that may be redeemed

(A) by any person other than the vendor, the person from whom the vendor purchased the goods, or the manufacturer of the goods,

(B) by the vendor, the person from whom the vendor purchased the goods, or the manufacturer of the goods in cash or in goods that are not his property in whole or in part, or

(C) by the vendor elsewhere than in the premises where the goods are purchased; or

322. Section 335.

(ii) that does not show upon its face the place where it is delivered and the merchantable value thereof; or

(iii) that may not be redeemed upon demand at any time,

but an offer, endorsed by the manufacturer upon a wrapper or container in which goods are sold, of a premium or reward for the return of that wrapper or container to the manufacturer is not a trading stamp; and

"Watch." *(e)* "watch" means that portion of a watch that is not the watch case.

Fraud.

Fraud. **323.** (1) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security, is guilty of an indictable offence and is liable to imprisonment for ten years.

Affecting public market. (2) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, with intent to defraud, affects the public market price of stocks, shares, merchandise or anything that is offered for sale to the public, is guilty of an indictable offence and is liable to imprisonment for ten years.

Using mails to defraud. **324.** Every one who makes use of the mails for the purpose of transmitting or delivering letters or circulars concerning schemes devised or intended to deceive or defraud the public, or for the purpose of obtaining money under false pretences, is guilty of an indictable offence and is liable to imprisonment for two years.

Fraudulent manipulation of stock exchange transactions **325.** Every one who, through the facility of a stock exchange, curb market or other market, with intent to create a false or misleading appearance of active public trading in a security or with intent to create a false or misleading appearance with respect to the market price of a security,

(a) effects a transaction in the security that involves no change in the beneficial ownership thereof,

(b) enters an order for the purchase of the security, knowing that an order of substantially the same size at substantially the same time and at substantially the same price for the sale of the security has been or will be entered by or for the same or different persons, or

323. Section 444.

324. Section 209 *(c)*.

325. Section 444A.

(c) enters an order for the sale of the security, knowing that an order of substantially the same size at substantially the same time and at substantially the same price for the purchase of the security has been or will be entered by or for the same or different persons,

is guilty of an indictable offence and is liable to imprisonment for five years.

Gaming in stocks or merchandise.

326. (1) Every one is guilty of an indictable offence and is liable to imprisonment for five years who, with intent to make gain or profit by the rise or fall in price of the stock of an incorporated or unincorporated company or undertaking, whether in or out of Canada, or of any goods, wares, or merchandise,

Making contract without intention to acquire or sell.

(a) makes or signs, or authorizes to be made or signed, any contract or agreement, oral or written, purporting to be for the purchase or sale of shares of stock or goods, wares or merchandise, without the *bona fide* intention of acquiring the shares, goods, wares or merchandise or of selling them, as the case may be; or

Contract without delivery or intention to receive.

(b) makes or signs, or authorizes to be made or signed, any contract or agreement, oral or written, purporting to be for the sale or purchase of shares of stock or goods, wares or merchandise in respect of which no delivery of the thing sold or purchased is made or received, and without the *bona fide* intention of making or receiving delivery thereof, as the case may be,

Saving.

but this section does not apply where a broker, on behalf of a purchaser, receives delivery, notwithstanding that the broker retains or pledges what is delivered as security for the advance of the purchase money or any part thereof.

Onus.

(2) Where, in proceedings under this section, it is established that the accused made or signed a contract or agreement for the sale or purchase of shares of stock or goods, wares or merchandise, or acted, aided or abetted in the making or signing thereof, the burden of proof of a *bona fide* intention to acquire or to sell the shares, goods, wares or merchandise or to deliver or to receive delivery thereof, as the case may be, lies upon the accused.

Broker reducing stock by selling for his own account.

327. Every one is guilty of an indictable offence and is liable to imprisonment for five years who, being an individual, or a member or employee of a partnership, or a director, officer or employee of a corporation, where he or the partnership, or corporation is employed as a broker by any customer to buy and carry upon margin any shares of an incorporated or unincorporated company or undertaking, whether in or out of Canada, thereafter sells or causes to be sold shares of the company or undertaking for any account in which

326. Sections 231 and 987.

327. Section 231A.

(a) he or his firm or a partner thereof, or

(b) the corporation or a director thereof,

has a direct or indirect interest, if the effect of the sale is, otherwise than unintentionally, to reduce the amount of such shares in the hands of the broker or under his control in the ordinary course of business below the amount of such shares that the broker should be carrying for all customers.

Fraudulent concealment.

328. Every one who, being a vendor or mortgagor of property or of a chose in action or being a solicitor for or agent of a vendor or mortgagor of property or a chose in action, is served with a written demand for an abstract of title by or on behalf of the purchaser or mortgagee before the completion of the purchase or mortgage, and who

Of document of title.

(a) with intent to defraud and for the purpose of inducing the purchaser or mortgagee to accept the title offered or produced to him, conceals from him any settlement, deed, will or other instrument material to the title, or any encumbrance on the title, or

Falsifying pedigree.

(b) falsifies any pedigree upon which the title depends,

is guilty of an indictable offence and is liable to imprisonment for two years.

Fraudulent registration of title.

329. Every one who, as principal or agent, in a proceeding to register title to real property, or in a transaction relating to real property that is or is proposed to be registered, knowingly and with intent to deceive,

(a) makes a material false statement or representation,

(b) suppresses or conceals from a judge or registrar or any person employed by or assisting the registrar, any material document, fact, matter or information, or

(c) is privy to anything mentioned in paragraph *(a)* or *(b)*,

is guilty of an indictable offence and is liable to imprisonment for five years.

Fraudulent sale of real property.

330. Every one who, knowing of an unregistered prior sale or of an existing unregistered grant, mortgage, hypothec, privilege or encumbrance of or upon real property, fraudulently sells the property or any part thereof is guilty of an indictable offence and is liable to imprisonment for two years.

Receipt intended to mislead.

331. Every one who wilfully

(a) with intent to mislead, injure or defraud any person, whether or not that person is known to him, gives to a person anything in writing that purports to be a receipt for or an acknowledgment of property that has been delivered to or received by him, before the property

328. Section 419.

329. Section 420.

330. Section 421.

331. Section 425.

referred to in the purported receipt or acknowledgment has been delivered to or received by him, or

Using receipt.

(b) accepts, transmits or uses a purported receipt or acknowledgment to which paragraph *(a)* applies,

is guilty of an indictable offence and is liable to imprisonment for two years.

332. (1) Every one who

Fraudulent disposal of goods on which money advanced.

(a) having shipped or delivered to the keeper of a warehouse or to a factor, agent or carrier, anything upon which the consignee thereof has advanced money or has given valuable security, thereafter, with intent to deceive, defraud or injure the consignee, disposes of it in a manner that is different from and inconsistent with any agreement that has been made in that behalf between him and the consignee, or

Aiding such disposal.

(b) knowingly and wilfully aids or assists any person to make a disposition of anything to which paragraph *(a)* applies for the purpose of deceiving, defrauding or injuring the consignee,

is guilty of an indictable offence and is liable to imprisonment for two years.

Saving.

(2) No person is guilty of an offence under this section where, before disposing of anything in a manner that is different from and inconsistent with any agreement that has been made in that behalf between him and the consignee, he pays or tenders to the consignee the full amount of money or valuable security that the consignee has advanced.

Fraudulent receipts under *Bank Act*.

333. Every one is guilty of an indictable offence and is liable to imprisonment for two years who

(a) wilfully makes a false statement in a receipt, certicate or acknowledgment for anything that may be used for a purpose mentioned in the *Bank Act;* or

(b) wilfully,

(i) after giving to another person,

(ii) after a person employed by him has, to his knowledge, given to another person, or

(iii) after obtaining and endorsing or assigning to another person,

a receipt, certificate or acknowledgment for anything that may be used for a purpose mentioned in the *Bank Act*, without the consent in writing of the holder or endorsee or the production and delivery of the receipt, certificate or acknowledgment, alienates or parts with, or does not deliver to the holder or owner the property mentioned in the receipt, certificate or acknowledgment.

332. Section 426.

333. Section 427.

Saving.

334. Where an offence is committed under section 331, 332 or 333 by a person who acts in the name of a corporation, firm or partnership, no person other than the person who does the act by means of which the offence is committed or who is secretly privy to the doing of that act is guilty of the offence.

Disposal of property to defraud creditors.

335. Every one who,

(a) with intent to defraud his creditors,

(i) makes or causes to be made a gift, conveyance, assignment, sale, transfer or delivery of his property, or

(ii) removes, conceals or disposes of any of his property; or

Receiving.

(b) with intent that any one should defraud his creditors, receives any property by means of or in relation to which an offence has been committed under paragraph *(a)*,

is guilty of an indictable offence and is liable to imprisonment for two years.

Fraud in relation to fares, etc.

336. (1) Every one whose duty it is to collect a fare, toll, ticket or admission who wilfully

(a) fails to collect it,

(b) collects less than the proper amount payable in respect thereof, or

(c) accepts any valuable consideration for failing to collect it or for collecting less than the proper amount payable in respect thereof,

is guilty of an indictable offence and is liable to imprisonment for two years.

Idem.

(2) Every one who gives or offers to a person whose duty it is to collect a fare, toll, ticket or admission fee, any valuable consideration

(a) for failing to collect it, or

(b) for collecting an amount less than the amount payable in respect thereof,

is guilty of an indictable offence and is liable to imprisonment for two years.

337. (1) Every one is guilty of an indictable offence and is liable to imprisonment for five years who

Fraud by holder of mining lease.

(a) being the holder of a lease or licence issued

(i) under an Act relating to the mining of precious metals, or

(ii) by the owner of land that is supposed to contain precious metals,

by a fraudulent device or contrivance defrauds or attempts to defraud any person of any precious metals

334. Section 428.

335. Section 417 *(a)* and *(b)*.

336. Section 412 (1) and (2).

337. Section 424 (1) and (6).

or money payable or reserved by the lease or licence, or fraudulently conceals or makes a false statement with respect to the amount of precious metals procured by him;

Unlawful sale of substance containing precious metals.

(b) sells or purchases any rock, mineral, or other substance that contains precious metals or unsmelted, untreated, unmanufactured, or partly smelted, partly treated or partly manufactured precious metals, unless he establishes that he is the owner or agent of the owner or is acting under lawful authority; or

Unlawful possession.

(c) has in his possession or knowingly has upon his premises

(i) any rock or mineral of a value of twenty-five cents per pound or more,

(ii) any mica of a value of seven cents per pound or more, or

(iii) any precious metals,

that there is reasonable ground to believe have been stolen or have been dealt with contrary to this section, unless he establishes that he is lawfully in possession thereof.

Seizure and forfeiture.

(2) Where a person is convicted of an offence under this section, the court may order anything by means of or in relation to which the offence was committed, upon such conviction, to be forfeited to Her Majesty in right of the province in which the proceedings take place.

Search for precious metals.

338. (1) Where an information in writing is laid under oath before a justice by any person having an interest in a mining claim, that any precious metals or rock, mineral or other substance containing precious metals is unlawfully deposited in any place or held by any person contrary to law, the justice may issue a warrant to search any of the places or persons mentioned in the information.

Power to seize.

(2) Where, upon search, anything mentioned in subsection (1) is found, it shall be seized and carried before the justice who shall order

(a) that it be detained for the purposes of an inquiry or trial, or

(b) if it is not detained for the purposes of an inquiry or trial,

(i) that it be restored to the owner, or

(ii) that it be forfeited to Her Majesty in right of the province in which the proceedings take place if the owner cannot be ascertained.

Appeal.

(3) An appeal lies from an order made under paragraph *(b)* of subsection (2) in the manner in which an appeal lies in summary conviction proceedings under Part XXIV and the provisions of that Part relating to appeals apply to appeals under this subsection.

338. Section 637.

339. (1) Every one who

Salting mine.

(a) adds anything to or removes anything from an existing or prospective mine, mining claim or oil well with a fraudulent intent to affect the result of an assay, test or valuation that has been made or is to be made with respect to the mine, mining claim or oil well, or

Salting sample.

(b) adds anything to, removes anything from or tampers with a sample or material that has been taken or is being or is about to be taken from an existing or prospective mine, mining claim or oil well for the purpose of being assayed, tested or otherwise valued, with a fraudulent intent to affect the result of the assay, test or valuation,

is guilty of an indictable offence and is liable to imprisonment for five years.

Presumption.

(2) For the purposes of proceedings under subsection (1), evidence that

(a) something has been added to or removed from anything to which subsection (1) applies, or

(b) anything to which subsection (1) applies has been tampered with,

is *prima facie* evidence of a fraudulent intent to affect the result of an assay, test or valuation.

Falsification of Books and Documents.

340. (1) Every one who, with intent to defraud,

By destruction, etc.

(a) destroys, mutilates, alters, falsifies, or makes a false entry in, or

(b) omits a material particular from, or alters a material particular in,

a book, paper, writing, valuable security or document is guilty of an indictable offence and is liable to imprisonment for five years.

To defraud creditors.

(2) Every one who, with intent to defraud his creditors, is privy to the commission of an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for five years.

341. Every one who, with intent to deceive,

False employment record.

(a) falsifies an employment record, or

Time clock.

(b) punches a time clock,

is guilty of an offence punishable on summary conviction.

False return by public officer.

342. Every one who, being entrusted with the receipt, custody or management of any part of the public revenues, knowingly furnishes a false statement or return of

339. Section 424A.

340. Sections 413, 415, 418, 484 and 485.

341. Section 415A (*b*) and (*c*).

342. Section 416.

(a) any sum of money collected by him or entrusted to his care, or

(b) any balance of money in his hands or under his control,

is guilty of an indictable offence and is liable to imprisonment for five years.

False prospectus, etc.

343. (1) Every one who makes, circulates or publishes a prospectus, statement or account, whether written or oral, that he knows is false in a material particular, with intent

(a) to induce persons, whether ascertained or not, to become shareholders or partners in a company,

(b) to deceive or defraud the members, shareholders or creditors, whether ascertained or not, of a company,

(c) to induce any person to entrust or advance anything to a company, or

(d) to enter into any security for the benefit of a company,

is guilty of an indictable offence and is liable to imprisonment for five years.

"Company."

(2) In this section, "company" means a syndicate, body corporate or company, whether existing or proposed to be created.

Obtaining carriage by false billing.

344. (1) Every one who, by means of a false or misleading representation or by any other means, knowingly obtains or attempts to obtain the carriage of anything by any person into a country, province, district or other place, whether or not within Canada, where the importation or transportation of it is, in the circumstances of the case, unlawful is guilty of an offence punishable on summary conviction.

Forfeiture.

(2) Where a person is convicted of an offence under subsection (1), anything by means of or in relation to which the offence was committed, upon such conviction, in addition to any punishment that is imposed, is forfeited to Her Majesty and shall be disposed of as the court may direct.

Trader failing to keep accounts.

345. (1) Every one who, being a trader or in business,

(a) is indebted in an amount exceeding one thousand dollars,

(b) is unable to pay his creditors in full, and

(c) has not kept books of account that, in the ordinary course of the trade or business in which he is engaged, are necessary to exhibit or explain his transactions,

is guilty of an indictable offence and is liable to imprisonment for two years.

343. Section 414.

344. Section 412 (3).

345. Section 417 *(c)*.

Saving.

(2) No person shall be convicted of an offence under this section

(a) where, to the satisfaction of the court or judge, he

(i) accounts for his losses, and

(ii) shows that his failure to keep books was not intended to defraud his creditors; or

(b) where his failure to keep books occurred at a time more than five years prior to the day on which he was unable to pay his creditors in full.

Personation.

Personation with intent.

346. Every one who fraudulently personates any person, living or dead,

(a) with intent to gain undue advantage for himself or another person,

(b) with intent to obtain any property or an interest in any property, or

(c) with intent to cause disadvantage to the person whom he personates or another person,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Personation at examination.

347. Every one who falsely, with intent to gain advantage for himself or some other person, personates a candidate at a competitive or qualifying examination held under the authority of law or in connection with a university, college or school or who knowingly avails himself of the results of such personation is guilty of an offence punishable on summary conviction.

Acknowledging instrument in false name.

348. Every one who, without lawful authority or excuse, the proof of which lies upon him, acknowledges in the name of another person before a court or a judge or other person authorized to receive the acknowledgment, a recognizance of bail, a confession of judgment, a consent to judgment or a judgment, deed or other instrument, is guilty of an indictable offence and is liable to imprisonment for five years.

Forgery of Trade Marks and Trade Descriptions.

349. For the purposes of this Part, every one forges a trade mark who

Simulating trade mark.

(a) without the consent of the proprietor of the trade mark, makes or reproduces in any manner that trade mark or a mark so nearly resembling it as to be calculated to deceive, or

Falsifying trade mark.

(b) falsifies, in any manner, a genuine trade mark.

346. Sections 408 and 410.

347. Section 409.

348. Section 411.

349. Section 486.

Applying trade mark.

350. (1) For the purposes of this Part, every one applies a trade mark, mark, trade description, or name or initials, as the case may be, to goods when he

To goods.

(a) applies it to the goods themselves,

To covering.

(b) applies it to any covering, label, reel or other thing, in or with which the goods are sold or exposed or kept for the purpose of sale, trade or manufacture,

By wrapping.

(c) places or wraps the goods in, or annexes the goods to, anything to which the trade mark, mark, trade description or name or initials as the case may be, has been applied, or

Intent to mislead.

(d) uses it in a manner calculated to lead to the belief that the goods are designated or described by that trade mark, mark, trade description or name or initials.

By connecting with other article.

(2) A trade mark, mark, trade description or name or initials is applied, for the purposes of this section, notwithstanding that it is applied by weaving, impressing or otherwise working it into or upon anything.

Forged trade marks.

351. (1) Every one commits an offence who, with intent to deceive or defraud,

(a) applies a forged trade mark, a false trade description, or a false name or initials to goods,

(b) has in his possession for sale or any purpose of trade, goods to which a forged trade mark, a false trade description or a false name or initials has been applied,

(c) sells goods to which a forged trade mark, a false trade description or a false name or initials has been applied, or

(d) has a forged trade mark in his possession for sale or for use in trade or the manufacture of goods.

Burden of proof.

(2) In proceedings under this section in relation to a forged trade mark the burden of proving that the proprietor of the trade mark consented that it should be made or reproduced is upon the accused.

Mark on watch case.

(3) Where a watch case bears words or marks that constitute, or are by common repute considered to constitute, a description of the country in which the watch was made, and the watch bears no such description of that country, those words or marks shall, *prima facie*, for the purposes of this section, be deemed to be a false trade description.

(4) In this section,

"False trade description."

(a) "false trade description" means a trade description that is false in a material respect with respect to the goods to which it is applied or upon which it appears; and

"Trade description."

(b) "trade description" means any description, statement or indication, direct or indirect, with respect to

(i) the number, quantity, measure, gauge or weight of goods,

350. Section 487.

351. (1), (2) and (3). Sections 336, 488 (1) and 489.

(4) Sections 335 (1) *(n)* and *(w)*, 341 and 342.

(ii) the place or country in which goods are made or produced,
(iii) the mode of manufacturing or producing goods,
(iv) the materials of which goods are composed, or
(v) goods being the subject of an existing patent, privilege or copyright,

and includes figures, words or marks, or any arrangement or combination thereof, whether in conjunction with or as part of a trade mark or not, that are reasonably calculated to lead persons to believe that goods are the manufacture or merchandise of a particular person.

Forging trade mark. Instruments therefor.

352. (1) Every one commits an offence who

(a) forges a trade mark, or

(b) makes, has in his possession or disposes of a die, block, machine or other instrument, designed or intended to be used in forging a trade mark.

Saving.

(2) No person shall be convicted of an offence under this section where he proves that he acted in good faith in the ordinary course of his business or employment.

353. Every one commits an offence who, with intent to deceive or defraud,

Defacing trade mark.

(a) defaces, conceals or removes a trade mark or the name of another person from anything without the consent of that other person, or

Using bottles bearing trade mark of another.

(b) being a manufacturer, dealer, trader or bottler fills any bottle or siphon that bears the trade mark or name of another person, without the consent of that other person, with a beverage, milk, by-product of milk or other liquid commodity for the purpose of sale or traffic.

Used goods sold without disclosure.

354. Every one commits an offence who sells, exposes or has in his possession for sale, or advertises for sale, goods that have been used, reconditioned or remade and that bear the trade mark or the trade name of another person, without making full disclosure that the goods have been reconditioned, rebuilt or remade for sale and that they are not then in the condition in which they were originally made or produced.

Punishment.

355. (1) Every one who commits an offence under section 351, 352, 353 or 354 is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

352. Sections 488 (1) and 494.

353. Section 490.

354. Section 490A.

355. Sections 491, 635 and 1039.

(b) an offence punishable on summary conviction.

Forfeiture.

(2) Anything by means of or in relation to which a person commits an offence under section 351, 352, 353 or 354 is forfeited upon the conviction of that person for that offence.

Falsely claiming Royal Warrant.

356. Every one who falsely represents that goods are made by a person holding a royal warrant, or for the service of Her Majesty, a member of the Royal Family or a public department is guilty of an offence punishable on summary conviction.

Presumption from port of shipment.

357. Where, in proceedings under this Part, the alleged offence relates to imported goods, evidence that the goods were shipped to Canada from a place outside of Canada is *prima facie* evidence that the goods were made or produced in the country from which they were shipped.

Wreck.

358. Every one who

Secreting wreck.

(a) secretes wreck, or defaces or obliterates the marks on wreck, or uses any means to disguise or conceal the fact that anything is wreck, or in any manner conceals the character of wreck, from a person who is entitled to inquire into the wreck,

Receiving wreck.

(b) receives wreck, knowing that it is wreck, from a person other than the owner thereof or a receiver of wreck, and does not within forty-eight hours thereafter inform the receiver of wreck thereof,

Offering wreck for sale.

(c) offers wreck for sale or otherwise deals with it, knowing that it is wreck, and not having a lawful authority to sell or deal with it,

Keeping wreck.

(d) keeps wreck in his possession knowing that it is wreck, without lawful authority to keep it, for any time longer than the time reasonably necessary to deliver it to the receiver of wreck, or

Boarding wrecked vessel.

(e) boards, against the will of the master, a vessel that is wrecked, stranded or in distress unless he is a receiver of wreck or a person acting under orders of a receiver of wreck,

is guilty of

(f) an indictable offence and is liable to imprisonment for two years, or

(g) an offence punishable on summary conviction.

356. Section 492.

357. Section 992.

358. Section 430.

Public Stores.

Distinguishing mark on public stores.

359. The Governor-in-Council may, by notice to be published in the *Canada Gazette*, prescribe distinguishing marks that are appropriated for use on public stores to denote the property of Her Majesty therein, whether the stores belong to Her Majesty in right of Canada or to Her Majesty in any other right.

Applying or removing marks without authority.

360. (1) Every one who,

(a) without lawful authority, the proof of which lies upon him, applies a distinguishing mark to anything, or

(b) with intent to conceal the property of Her Majesty in public stores, removes, destroys or obliterates, in whole or in part, a distinguishing mark,

is guilty of an indictable offence and is liable to imprisonment for two years.

Unlawful transactions in public stores.

(2) Every one who, without lawful authority, the proof of which lies upon him, receives, possesses, keeps, sells or delivers public stores that he knows bear a distinguishing mark is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

"Distinguishing mark."

(3) For the purposes of this section, "distinguishing mark" means a distinguishing mark that is appropriated for use on public stores pursuant to section 359.

Selling defective stores to Her Majesty.

361. (1) Every one who knowingly sells or delivers defective stores to Her Majesty or commits fraud in connection with the sale, lease or delivery of stores to Her Majesty or the manufacture of stores for Her Majesty is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Offences by officers and employees of corporations.

(2) Every one who, being a director, officer, agent or employee of a corporation that commits, by fraud, an offence under subsection (1),

(a) knowingly takes part in the fraud, or

(b) knows or has reason to suspect that the fraud is being committed or has been or is about to be committed and does not inform the responsible government, or a department thereof, of Her Majesty,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

359. Section 432.

360. Section 433.

361. Section 434.

Unlawful use of military uniforms or certificates.

362. Every one who without lawful authority, the proof of which lies upon him,

(a) wears a uniform of the Canadian Forces or any other naval, army or air force or a uniform that is so similar to the uniform of any of those forces that it is likely to be mistaken therefor,

(b) wears a distinctive mark relating to wounds received or service performed in war, or a military medal, ribbon, badge, chevron or any decoration or order that is awarded for war services, or any imitation thereof, or any mark or device or thing that is likely to be mistaken for any such mark, medal, ribbon, badge, chevron, decoration or order,

(c) has in his possession a certificate of discharge, certificate of release, statement of service or identity card from the Canadian Forces or any other naval, army or air force that has not been issued to and does not belong to him, or

(d) has in his possession a commission or warrant or a certificate of discharge, certificate of release, statement of service or identity card issued to an officer or person in or who has been in the Canadian Forces or any other naval, army or air force, that contains any alteration that is not verified by the initials of the officer who issued it, or by the initials of some officer thereto lawfully authorized,

is guilty of an offence punishable on summary conviction.

Military stores.

363. (1) Every one who buys, receives or detains from a member of the Canadian Forces or a deserter or absentee without leave from those forces any military stores that are owned by Her Majesty or for which the member, deserter or absentee without leave is accountable to Her Majesty is guilty of

(a) an indictable offence and is liable to imprisonment for five years, or

(b) an offence punishable on summary conviction.

Exception.

(2) No person shall be convicted of an offence under this section where he establishes that he did not know and had no reason to suspect that the military stores in respect of which the offence was committed were owned by Her Majesty or were military stores for which the member, deserter or absentee without leave was accountable to Her Majesty.

Evidence of enlistment.

364. (1) In proceedings under sections 360 to 363, evidence that a person was at any time performing duties in the Canadian Forces is *prima facie* evidence that his enrolment in the Canadian Forces prior to that time was regular.

362. Section 435.

363. Section 436.

364. Section 991.

Presumption when accused a dealer in stores.

(2) An accused who is charged with an offence under subsection (2) of section 360 shall be presumed to have known that the stores in respect of which the offence is alleged to have been committed bore a distinguishing mark within the meaning of that subsection at the time the offence is alleged to have been committed if he was, at that time, in the service or employment of Her Majesty or was a dealer in marine stores or in old metals.

Breach of Contract, Intimidation and Discrimination against Trade Unionists.

Criminal breach of contract.

365. Every one who wilfully breaks a contract, knowing or having reasonable cause to believe that the probable consequences of doing so, whether alone or in combination with others, will be

Where life endangered.
(a) to endanger human life,

Causing bodily injury.
(b) to cause serious bodily injury,

Endangering property.
(c) to expose valuable property, real or personal, to destruction or serious injury,

Depriving of services.
(d) to deprive the inhabitants of a city or place, or part thereof, wholly or to a great extent, of their supply of light, power, gas or water, or

Preventing running of trains.
(e) to delay or prevent the running of a locomotive engine, tender, freight or passenger train or car, on a railway,

is guilty of

(f) an indictable offence and is liable to imprisonment for five years, or

(g) an offence punishable on summary conviction.

Intimidation.

366. (1) Every one who, wrongfully and without lawful authority, for the purpose of compelling another person to abstain from doing anything that he has a lawful right to do, or to do anything that he has a lawful right to abstain from doing,

By violence.
(a) uses violence or threats of violence to that person or to his wife or children, or injures his property,

By threats.
(b) intimidates or attempts to intimidate that person or a relative of that person by threats that, in Canada or elsewhere, violence or other injury will be done to or punishment inflicted upon him or a relative of his, or that the property of any of them will be damaged,

By following.
(c) persistently follows that person about from place to place,

By hiding property.
(d) hides any tools, clothes or other property owned or used by that person, or deprives him of them or hinders him in the use of them,

365. Section 499.

366. Sections 501 and 502.

By disorderly conduct.
(e) with one or more other persons follows that person, in a disorderly manner, on a highway,

By watching or besetting.
(f) besets or watches the dwelling house or place where that person resides, works, carries on business or happens to be, or

By obstructing highway.
(g) blocks or obstructs a highway,

is guilty of an offence punishable on summary conviction.

Exception.
(2) A person who attends at or near or approaches a dwelling house or place, for the purpose only of obtaining or communicating information, does not watch or beset within the meaning of this section.

367. Every one who, being an employer or the agent of an employer, wrongfully and without lawful authority

Employer refusing to employ member of trade union.
(a) refuses to employ or dismisses from his employment any person for the reason only that the person is a member of a lawful trade union or of a lawful association or combination of workmen or employees formed for the purpose of advancing, in a lawful manner, their interests and organized for their protection in the regulation of wages and conditions of work,

Employer intimidating workman.
(b) seeks by intimidation, threat of loss of position or employment, or by causing actual loss of position or employment, or by threatening or imposing any pecuniary penalty, to compel workmen or employees to abstain from belonging to a trade union, association or combination to which they have a lawful right to belong, or

Employers conspiring.
(c) conspires, combines, agrees or arranges with any other employer or his agent to do anything mentioned in paragraph *(a)* or *(b)*,

is guilty of an offence punishable on summary conviction.

Secret Commissions.

368. (1) Every one commits an offence who

Bribery of agent.
(a) corruptly

(i) gives, offers or agrees to give or offer to an agent, or

Agent accepting bribe.
(ii) being an agent, demands, accepts or offers or agrees to accept from any person,

a reward, advantage or benefit of any kind as consideration for doing or forbearing to do, or for having done or forborne to do, any act relating to the affairs or business of his principal or for showing or forbearing to show favour or disfavour to any person with relation to the affairs or business of his principal; or

367. Section 502A.

368. Section 504.

(*b*) with intent to deceive a principal gives to an agent of that principal, or, being an agent, uses with intent to deceive his principal, a receipt, account, or other writing

False account to deceive principal.

(i) in which the principal has an interest,

(ii) that contains any statement that is false or erroneous or defective in any material particular, and

(iii) that is intended to mislead the principal.

Privity to offence.

(2) Every one commits an offence who is knowingly privy to the commission of an offence under subsection (1).

Punishment.

(3) A person who commits an offence under this section is guilty of an indictable offence and is liable to imprisonment for two years.

(4) In this section,

"Agent."

(*a*) "agent" includes an employee, and

"Principal."

(*b*) "principal" includes an employer.

Trading Stamps.

Issuing trading stamps.

369. (1) Every one 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 is guilty of an offence punishable on summary conviction.

Giving to purchaser of goods.

(2) Every one 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 person who purchases goods from him is guilty of an offence punishable on summary conviction.

369. Section 505.

PART IX.

WILFUL AND FORBIDDEN ACTS IN RESPECT OF CERTAIN PROPERTY.

Interpretation.

"Property."

370. In this Part, "property" means real or personal corporeal property.

"Wilfully."

371. (1) Every one who causes the occurrence of an event by doing an act or by omitting to do an act that it is his duty to do, knowing that the act or omission will probably cause the occurrence of the event and being reckless whether the event occurs or not, shall be deemed, for the purposes of this Part, wilfully to have caused the occurrence of the event.

Colour of right.

(2) No person shall be convicted of an offence under sections 372 to 387 where he proves that he acted with legal justification or excuse and with colour of right.

(3) Where it is an offence to destroy or to damage anything,

Partial interest.

(a) the fact that a person has a partial interest in what is destroyed or damaged does not prevent him from being guilty of the offence if he caused the destruction or damage, and

Total interest.

(b) the fact that a person has a total interest in what is destroyed or damaged does not prevent him from being guilty of the offence if he caused the destruction or damage with intent to defraud.

Mischief.

Destruction or damage.

Rendering property dangerous, etc.

Obstructing use of property.

Obstructing person in use of property.

372. (1) Every one commits mischief who wilfully

(a) destroys or damages property,

(b) renders property dangerous, useless, inoperative or ineffective,

(c) obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property, or

(d) obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.

Punishment.

(2) Every one who commits mischief that causes actual danger to life is guilty of an indictable offence and is liable to imprisonment for life.

Idem.

(3) Every one who commits mischief in relation to public property is guilty of an indictable offence and is liable to imprisonment for fourteen years.

370. New.

371. Sections 509 and 541.

372. Sections 96, 97, 238*(h)*, 510, 516B, 517 to 522, 525, and 533 to 535.

Idem.

(4) Every one who commits mischief in relation to private property is guilty of an indictable offence and is liable to imprisonment for five years.

Offence.

(5) Every one who wilfully does an act or wilfully omits to do an act that it is his duty to do is, if that act or omission is likely to constitute mischief causing actual danger to life, or to constitute mischief in relation to public property or private property, guilty of an indictable offence and is liable to imprisonment for five years.

Damage not more than fifty dollars.

373. (1) Every one who wilfully destroys or damages property is, where actual danger to life is not involved, guilty of an offence punishable on summary conviction if the alleged amount of destruction or damage does not exceed fifty dollars.

Compensation.

(2) Where an accused is convicted of an offence under subsection (1) the summary conviction court may, in addition to any punishment that is imposed, order the accused to pay to a person aggrieved an amount not exceeding fifty dollars that appears to the summary conviction court to be reasonable compensation for the destruction or damage.

Imprisonment in default.

(3) The summary conviction court may order that where an amount that is adjudged to be paid as compensation under subsection (2) is not paid forthwith or within the period that the summary conviction court appoints at the time of the conviction, the accused shall be imprisoned for a term not exceeding two months.

Idem.

(4) The summary conviction court may order that terms of imprisonment that are imposed under this section shall take effect one after the other.

Arson and Other Fires.

Arson.

374. (1) Every one who wilfully sets fire to

(a) a building or structure, whether completed or not,

(b) a stack of vegetable produce or of mineral or vegetable fuel,

(c) a mine,

(d) a well of combustible substance,

(e) a vessel or aircraft, whether completed or not,

(f) timber or materials placed in a shipyard for building, repairing or fitting out a ship,

(g) military or public stores or munitions of war,

(h) a crop, whether standing or cut down, or

(i) any wood, forest, or natural growth, or any lumber, timber, log, float, boom, dam or slide,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

373. Section 539.

(4) Section 740 (1) in part.

374. Sections 511 and 513.

Fraudulently burning personal property.

(2) Every one who wilfully and for a fraudulent purpose sets fire to personal property not mentioned in subsection (1) is guilty of an indictable offence and is liable to imprisonment for five years.

Setting fire to other substance.

375. Every one who wilfully sets fire to anything that is likely to cause anything mentioned in subsection (1) of section 374 to catch fire is guilty of an indictable offence and is liable to imprisonment for five years.

Presumption against holder of insurance.

376. Where a person is charged with an offence under section 374 or 375, evidence that he is the holder of or is named as the beneficiary under a policy of fire insurance relating to the property in respect of which the offence is alleged to have been committed is, where intent to defraud is material, *prima facie* evidence of intent to defraud.

Setting a fire by negligence.

377. (1) Every one who causes a fire

(a) wilfully, or

(b) by violating a law in force in the place where the fire occurs,

is, if the fire results in loss of life or destruction of or damage to property, guilty of an indictable offence and is liable to imprisonment for five years.

Presumption against person in control of premises.

(2) For the purposes of this section, the person who owns, occupies or controls property in which a fire that results in loss of life or destruction of or damage to property originates or occurs shall be deemed wilfully to have caused the fire if he has failed to comply with any law that is intended to prevent fires or that requires the property to be equipped with apparatus for the purpose of extinguishing fires or for the purpose of enabling persons to escape in the event of fire, and if it is established that the fire, or the loss of life, or the whole or any substantial portion of the destruction of or damage to the property would not have occurred if he had complied with the law.

Other Interference with Property.

False alarm of fire.

378. Every one who wilfully, without reasonable cause, by outcry, ringing bells, using a fire alarm, telephone or telegraph, or in any other manner, makes or circulates or causes to be made or circulated an alarm of fire is guilty of an offence punishable on summary conviction.

375. Sections 512 and 514.

376. Section 541.

377. Section 515 (1) and (2).

378. Section 516A.

Interfering with saving of wrecked vessel.

379. (1) Every one who wilfully prevents or impedes, or who wilfully endeavours to prevent or impede,

(a) the saving of a vessel that is wrecked, stranded, abandoned or in distress, or

(b) a person who attempts to save a vessel that is wrecked, stranded, abandoned or in distress,

is guilty of an indictable offence and is liable to imprisonment for five years.

Interfering with saving of wreck.

(2) Every one who wilfully prevents or impedes or wilfully endeavours to prevent or impede the saving of wreck is guilty of an offence punishable on summary conviction.

Interfering with marine signal, etc.

380. (1) Every one who makes fast a vessel or boat to a signal, buoy or other sea mark that is used for purposes of navigation is guilty of an offence punishable on summary conviction.

(2) Every one who wilfully alters, removes or conceals a signal, buoy or other sea mark that is used for purposes of navigation is guilty of an indictable offence and is liable to imprisonment for ten years.

Removing natural bar without permission.

381. Every one who wilfully and without the written permission of the Minister of Transport, the burden of proof of which lies on the accused, removes any stone, wood, earth or other material that forms a natural bar necessary to the existence of a public harbour, or that forms a natural protection to such a bar, is guilty of an indictable offence and is liable to imprisonment for two years.

Occupant injuring building.

382. Every one who, wilfully and to the prejudice of a mortgagee or owner, pulls down, demolishes or removes, all or any part of a dwelling house or other building of which he is in possession or occupation, or severs from the freehold any fixture fixed therein or thereto is guilty of an indictable offence and is liable to imprisonment for five years.

Interfering with boundary lines.

383. Every one who wilfully pulls down, defaces, alters or removes anything planted or set up as the boundary line or part of the boundary line of land is guilty of an offence punishable on summary conviction.

Interfering with international boundary marks, etc.

384. (1) Every one who wilfully pulls down, defaces, alters or removes

(a) a boundary mark lawfully placed to mark an international, provincial, county or municipal boundary, or

379. Section 524.

380. Section 526.

381. Section 527.

382. Section 529.

383. Section 530

384. Sections 531 and 532.

57325—17

(b) a boundary mark lawfully placed by a land surveyor to mark a limit, boundary or angle of a concession, range, lot or parcel of land,

is guilty of an indictable offence and is liable to imprisonment for five years.

Saving.

(2) A land surveyor does not commit an offence under subsection (1) where, in his operations as a land surveyor, he takes up, when necessary, a boundary mark mentioned in paragraph *(b)* of subsection (1) and carefully replaces it as it was before he took it up.

Cattle and Other Animals.

Killing or injuring cattle.

Placing poison.

385. Every one who wilfully

(a) kills, maims, wounds, poisons or injures cattle, or

(b) places poison in such a position that it may easily be consumed by cattle, or

is guilty of an indictable offence and is liable to imprisonment for five years.

Killing or injuring other animals.

Placing poison.

386. Every one who wilfully

(a) kills, maims, wounds, poisons or injures dogs, birds or animals that are not cattle and are kept for a lawful purpose, or

(b) places poison in such a position that it may easily be consumed by dogs, birds or animals that are not cattle and are kept for a lawful purpose,

is guilty of an offence punishable on summary conviction.

Cruelty to Animals.

387. (1) Every one commits an offence who

Causing unnecessary suffering.

(a) wilfully causes or wilfully permits to be caused unwarranted pain, suffering, damage or injury to an animal or bird,

Causing injury by negligence.

(b) by wilful neglect causes damage or injury to animals or birds while they are being driven or conveyed,

Abandoning.

(c) being the owner or the person having the custody or control of a domestic animal or bird or an animal or bird wild by nature that is in captivity, abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it,

Baiting.

(d) in any manner encourages, aids or assists at the fighting or baiting of animals or birds,

Poisoning.

(e) wilfully, without reasonable excuse, administers a poisonous or injurious drug or substance to a domestic animal or bird or an animal or bird wild by nature that

385. Section 536.

386. Sections 393 and 537 (1) *(a)* and *(b)*.

387. Section 542.

is kept in captivity or being the owner of such an animal or bird, wilfully permits a poisonous or injurious drug or substance to be administered to it, or

Field trials.

(f) promotes, arranges, conducts, assists in, receives money for, or takes part in a meeting, competition, exhibition, pastime, practice, display, or event at or in the course of which captive birds are liberated by hand, trap, contrivance or any other means for the purpose of being shot when they are liberated, or

(g) being the owner, occupier, or person in charge of any premises, permits the premises or any part thereof to be used for a purpose mentioned in paragraph *(f)*.

Punishment.

(2) Every one who commits an offence under subsection (1) is guilty of an offence punishable on summary conviction.

Keeping cock-pit.

388. (1) Every one who builds, makes, maintains or keeps a cock-pit on premises that he owns or occupies, or allows a cock-pit to be built, made, maintained or kept on such premises is guilty of an offence punishable on summary conviction.

Confiscation.

(2) A peace officer who finds cocks in a cock-pit or on premises where a cock-pit is located shall seize them and take them before a justice who shall order them to be destroyed.

Transportation of cattle by rail or water.

389. (1) Except as provided in this section, no railway company or owner or master of a vessel shall confine cattle in a railway car or vessel in which they are conveyed in Canada or between Canada and the United States for more than thirty-six hours without unloading the cattle for rest, water and feeding for a period of at least five consecutive hours.

Saving.

(2) No offence is committed under subsection (1) where compliance with that subsection is prevented by storm or by necessary delay or detention or by other unavoidable cause.

Transportation of calves.

(3) No railway company or owner or master of a vessel shall convey in a railway car or vessel calves that are under the age of three weeks except calves at foot of milch cows or pure-bred calves.

Time how reckoned.

(4) For the purposes of subsection (1) the period of confinement of cattle includes the time during which the cattle have been confined without rest, food or water on a connecting railway or vessel from which the cattle are received, whether in the United States or in Canada.

Saving.

(5) This section does not apply in respect of cattle that are carried in a car or vessel in which they have proper space and opportunity for rest and in which they are provided with proper food and water.

388. Section 543.

389. Section 544.

Lien for food.

(6) The owner of cattle to which this section applies or the person who has custody of them shall properly feed and water them during the periods of rest required by this section, but if he does not do so, the railway company or the owner or master of the vessel that carries them shall properly feed and water them at the expense of the owner or of the person who has custody of them, and the railway company or owner or master of the vessel, as the case may be, has a lien in respect thereof upon the cattle and is not liable for any detention of the cattle.

Sanitary precautions.

(7) When cattle are unloaded from cars for rest, food and water as required by this section, the railway company that has, at that time, charge of the cars in which the cattle have been carried, shall, except during a period of frost, clean the floors of the cars and litter them with clean sawdust or sand before they are again loaded with livestock.

Overcrowding.

(8) No railway company shall permit a railway car or other vehicle that carries cattle or other domestic animals or birds on the railway to be overcrowded so that unnecessary suffering is caused to the cattle or other domestic animals or birds therein.

Conveying bulls.

(9) No railway company shall permit a bull of mature age to be carried on its railway in the same railway car with other cattle unless the bull is securely tied by the head.

Punishment.

(10) Every one who knowingly and wilfully violates or wilfully fails to comply with this section is guilty of an offence punishable on summary conviction.

Search.

390. (1) A peace officer who believes on reasonable and probable grounds that a person has failed to comply with section 389 in respect of a vehicle or vessel may at any time enter the vehicle or go on board the vessel.

Obstruction.

(2) Every one who refuses to admit a peace officer acting under subsection (1) to a vehicle or vessel or to any premises where the vehicle or vessel is located is guilty of an offence punishable on summary conviction.

390. Section 545.

PART X.

OFFENCES RELATING TO CURRENCY.

Interpretation.

391. In this Part,

"Copper coin." *(a)* "copper coin" means a coin other than a gold or silver coin;

"Counterfeit money." *(b)* "counterfeit money" includes

(i) a false coin or false paper money that resembles or is apparently intended to resemble or pass for a current coin or current paper money,

(ii) a forged bank note or forged blank bank note, whether complete or incomplete,

(iii) a genuine coin or genuine paper money that is prepared or altered to resemble or pass for a current coin or current paper money of a higher denomination,

(iv) a current coin from which the milling is removed by filing or cutting the edges and on which new milling is made to restore its appearance,

(v) a coin cased with gold or silver, as the case may be, that is intended to resemble or pass for a current gold or silver coin, and

(vi) a coin or a piece of metal or mixed metals washed or coloured by any means with a wash or material capable of producing the appearance of gold or silver and that is intended to resemble or pass for a current gold or silver coin;

"Counterfeit token of value." *(c)* "counterfeit token of value" means a counterfeit excise stamp, postage stamp or other evidence of value, by whatever technical, trivial or deceptive designation it may be described, and includes genuine coin or paper money that has no value as money;

"Current." *(d)* "current" means lawfully current in Canada or elsewhere by virtue of a law, proclamation or regulation in force in Canada or elsewhere as the case may be; and

"Utter." *(e)* "utter" includes sell, pay, tender and put off.

Making.

Making. **392.** Every one who makes or begins to make counterfeit money is guilty of an indictable offence and is liable to imprisonment for fourteen years.

This Part is derived from Part IX of the present *Criminal Code*. It has been completely revised. It replaces sections 2 (8), 546 to 569, 632, 955, 957 and 981.

Possession.

393. Every one who, without lawful justification or excuse, the proof of which lies upon him,

Buying. (*a*) buys, receives or offers to buy or receive,

Having. (*b*) has in his custody or possession, or

Importing. (*c*) introduces into Canada,

counterfeit money is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Having clippings, etc.

394. Every one who, without lawful justification or excuse, the proof of which lies upon him, has in his custody or possession

(*a*) gold or silver filings or clippings,

(*b*) gold or silver bullion, or

(*c*) gold or silver in dust, solution or otherwise,

produced or obtained by impairing, diminishing or lightening a current gold or silver coin, knowing that it has been so produced or obtained, is guilty of an indictable offence and is liable to imprisonment for five years.

Uttering.

395. Every one who, without lawful justification or excuse, the proof of which lies upon him,

Uttering counterfeit money.

(*a*) utters or offers to utter counterfeit money or uses counterfeit money as if it were genuine, or

Exporting.

(*b*) exports, sends or takes counterfeit money out of Canada,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

396. Every one who, with intent to defraud, knowingly utters

Uttering coin not current.

(*a*) a coin that is not current, or

Uttering false coin.

(*b*) a piece of metal or mixed metals that resembles in size, figure and colour a current gold or silver coin and is of less value than the current coin for which it is uttered,

is guilty of an indictable offence and is liable to imprisonment for two years.

Fraudulent use of slugs, etc.

397. Everyone who fraudulently inserts or uses in a machine that vends merchandise or services or collects fares or tolls, anything that is intended to pass for the coin or the token of value that the machine is designed to receive in exchange for the merchandise, service, fare or toll, as the case may be, is guilty of an offence punishable on summary conviction.

Defacing or Impairing.

Clipping coin.

398. Every one who

(a) impairs, diminishes or lightens a current gold or silver coin with intent that it should pass for a current gold or silver coin, or

Uttering clipped coin.

(b) utters a coin, knowing that it has been impaired, diminished or lightened contrary to paragraph *(a)*,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Defacing current coin.

Uttering defaced coin.

399. Every one who

(a) defaces a current gold, silver or copper coin, or

(b) utters a current gold, silver or copper coin that has been defaced,

is guilty of an offence punishable on summary conviction.

Printing circulars, etc., in likeness of notes.

400. Every one who designs, engraves, prints or in any manner makes, executes, issues, distributes, circulates or uses a business or professional card, notice, placard, circular, handbill or advertisement in the likeness or appearance of

(a) a current bank note or current paper money, or

(b) any obligation or security of a government or a bank,

is guilty of an offence punishable on summary conviction.

Instruments or Materials.

Making, having or dealing in instruments for counterfeiting.

401. Every one who, without lawful justification or excuse, the proof of which lies upon him,

(a) makes or repairs,

(b) begins or proceeds to make or repair,

(c) buys or sells, or

(d) has in his custody or possession,

a machine, engine, tool, instrument, material or thing that he knows has been used or that he knows is adapted and intended for use in making counterfeit money or counterfeit tokens of value is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Conveying instruments for coining out of mint.

402. Every one who, without lawful justification or excuse, the proof of which lies upon him, knowingly conveys out of any of Her Majesty's mints in Canada,

(a) a machine, engine, tool, instrument, material or thing used or employed in connection with the manufacture of coins,

(b) a useful part of anything mentioned in paragraph *(a)*, or

(c) coin, bullion, metal or a mixture of metals,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Advertising and Trafficking in Counterfeit Money or Counterfeit Tokens of Value.

Advertising offer to deal in counterfeit money, etc.

403. (1) Every one who

(a) by an advertisement or any other writing offers to sell, procure or dispose of counterfeit money or counterfeit tokens of value or to give information with respect to the manner in which or the means by which counterfeit money or counterfeit tokens of value may be sold, procured or disposed of, or

Dealing in counterfeit tokens of value.

(b) purchases, obtains, negotiates or otherwise deals with counterfeit tokens of value, or offers to negotiate with a view to purchasing or obtaining them,

is guilty of an indictable offence and is liable to imprisonment for five years.

Fraudulent use of money genuine but valueless.

(2) No person shall be convicted of an offence under subsection (1) in respect of genuine coin or genuine paper money that has no value as money unless, at the time when the offence is alleged to have been committed, he knew that the coin or paper money had no value as money and he had a fraudulent intent in his dealings with or with respect to the coin or paper money.

Special Provisions as to Proof.

Counterfeit when complete.

404. Every offence relating to counterfeit money or counterfeit tokens of value shall be deemed to be complete notwithstanding that the money or tokens of value in respect of which the proceedings are taken are not finished or perfected or do not copy exactly the money or tokens of value that they are apparently intended to resemble or for which they are apparently intended to pass.

Forfeiture.

Ownership.

405. (1) Counterfeit money, counterfeit tokens of value and anything that is used or is intended to be used to make counterfeit money or counterfeit tokens of value belong to Her Majesty.

Seizure.

(2) A peace officer may seize and detain

(a) counterfeit money,

(b) counterfeit tokens of value, and

(c) machines, engines, tools, instruments, materials or things that have been used or that have been adapted and are intended for use in making counterfeit money or counterfeit tokens of value,

and anything seized shall be sent to the Minister of Finance to be disposed of or dealt with as he may direct, but anything that is required as evidence in any proceedings shall not be sent to the Minister until it is no longer required in those proceedings.

57325—18

PART XI.

ATTEMPTS—CONSPIRACIES—ACCESSORIES.

Attempts, accessories.

406. Except where otherwise expressly provided by law, the following provisions apply in respect of persons who attempt to commit or are accessories after the fact to the commission of offences, namely,

Where offence punishable with death or life imprisonment.

(a) every one who attempts to commit or is an accessory after the fact to the commission of an indictable offence for which, upon conviction, an accused is liable to be sentenced to death or to imprisonment for life, is guilty of an indictable offence and is liable to imprisonment for fourteen years;

Where offence punishable with fourteen years or less.

(b) every one who attempts to commit or is an accessory after the fact to the commission of an indictable offence for which, upon conviction, an accused is liable to imprisonment for fourteen years or less, is guilty of an indictable offence and is liable to imprisonment for a term that is one-half of the longest term to which a person who is guilty of that offence is liable; and

Where offence punishable on summary conviction.

(c) every one who attempts to commit or is an accessory after the fact to the commission of an offence punishable on summary conviction is guilty of an offence punishable on summary conviction.

Counselling, etc., offence which is not committed.

407. Except where otherwise expressly provided by law, the following provisions apply in respect of persons who counsel, procure or incite other persons to commit offences namely,

(a) every one who counsels, procures or incites another person to commit an indictable offence is, if the offence is not committed, guilty of an indictable offence and is liable to the same punishment to which a person who attempts to commit that offence is liable; and

(b) every one who counsels, procures or incites another person to commit an offence punishable on summary conviction is, if the offence is not committed, guilty of an offence punishable on summary conviction.

408. Except where otherwise expressly provided by law, the following provisions apply in respect of conspiracy, namely,

Conspiracy to murder.

(a) every one who conspires with any one to commit murder or to cause another person to be murdered, whether in Canada or not, is guilty of an indictable offence and is liable to imprisonment for fourteen years;

406. Sections 570, 571, 572 (in part), 574 and 575.

407. Sections 69 and 572 (in part).

408. *(a)* Section 266 *(a)*.

Conspiracy to bring false accusation.

(b) every one who conspires with any one to prosecute a person for an alleged offence, knowing that he did not commit that offence, is guilty of an indictable offence and is liable

(i) to imprisonment for ten years, if the alleged offence is one for which, upon conviction, that person would be liable to be sentenced to death or to imprisonment for life or for fourteen years, or

(ii) to imprisonment for five years, if the alleged offence is one for which, upon conviction, that person would be liable to imprisonment for less than fourteen years;

Conspiracy to defile.

(c) every one who conspires with any one to induce, by false pretences, false representations or other fraudulent means, a woman to commit adultery or fornication, is guilty of an indictable offence and is liable to imprisonment for two years;

Common law conspiracy.

(d) every one who conspires with any one

(i) to effect an unlawful purpose, or

(ii) to effect a lawful purpose by unlawful means,

is guilty of an indictable offence and is liable to imprisonment for two years; and

Conspiracy to commit other indictable offence.

(e) every one who conspires with any one to commit an indictable offence not provided for in paragraph *(a)*, *(b)*, *(c)* or *(d)* is guilty of an indictable offence and is liable to the same punishment as that to which an accused who is guilty of that offence would, upon conviction, be liable.

Conspiracy in restraint of trade.

409. (1) A conspiracy in restraint of trade is an agreement between two or more persons to do or to procure to be done any unlawful act in restraint of trade.

Trade union, exception.

(2) The purposes of a trade union are not, by reason only that they are in restraint of trade, unlawful within the meaning of subsection (1).

Saving.

410. (1) Except where otherwise expressly provided by law, no person shall be convicted of conspiracy in restraint of trade by reason only that he

(a) refuses to work with a workman or for an employer, or

(b) does any act or causes any act to be done for the purposes of a trade combination.

"Trade combination."

(2) In this section, "trade combination" means any combination between masters or workmen or other persons for the purpose of regulating or altering the relations between masters or workmen, or the conduct of a master or workman in or in respect of his business, employment or contract of employment or service.

(b) Section 178.

(c) Section 218.

(d) New.

(e) Section 573.

409. Sections 496 and 497.

410. (1) Section 590.

(2) Section 2 (41).

Conspiracy.

411. (1) Every one who conspires, combines, agrees or arranges with another person

To limit commercial facilities.

(a) to limit unduly the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article,

To restrain commerce.

(b) to restrain or injure trade or commerce in relation to any article,

To lessen production.

(c) to prevent, limit or lessen, unduly, the manufacture or production of an article, or to enhance unreasonably the price thereof, or

To lessen competition.

(d) to prevent or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, transportation or supply of an article, or in the price of insurance upon persons or property,

is guilty of an indictable offence and is liable to imprisonment for two years.

"Article."

(2) For the purposes of this section, "article" means an article or commodity that is a subject of trade or commerce.

Saving.

(3) This section does not apply to combinations of workmen or employees for their own reasonable protection as workmen or employees.

412. (1) Every one engaged in trade, commerce or industry who

Discrimination in trade.

(a) is a party to or is privy to, or assists in, any transaction of sale that discriminates, to his knowledge, against competitors of the purchaser in that a discount, rebate or allowance is granted to the purchaser over and above any discount, rebate or allowance available at the time of the transaction to those competitiors in respect of a sale of goods of like quality and quantity,

Lower prices in particular area.

(b) engages in a policy of selling goods in any area of Canada at prices lower than those charged by the seller elsewhere in Canada, for the purpose of destroying competition or eliminating a competitor in that part of Canada, or

Lessening prices to destroy competition.

(c) engages in a policy of selling goods at prices unreasonably low for the purpose of destroying competition or eliminating a competitor,

is guilty of an indictable offence and is liable

Punishment.

(d) in the case of a corporation, to a fine of not more than five thousand dollars, and

(e) in the case of a person other than a corporation, to imprisonment for two years.

Co-operative society not affected.

(2) No offence is committed under paragraph *(a)* of subsection (1) by reason only that a co-operative society returns to producers or consumers, or a co-operative wholesale society returns to its constituent retail members, the whole or any part of the net surplus made in its trading operations in proportion to purchases made from or sales made to the society.

411. Section 498.

412. Section 498A.

PART XII.

JURISDICTION.

General.

Superior court of criminal jurisdiction.

413. (1) Every superior court of criminal jurisdiction has jurisdiction to try any indictable offence.

Court of criminal jurisdiction.

(2) Every court of criminal jurisdiction has jurisdiction to try an indictable offence other than

(a) an offence under any of the following sections, namely,

Treason.

(i) section 47,

Intimidating Parliament or legislature.

(ii) section 51,

Alarming or harming Her Majesty.

(iii) section 52,

Inciting to mutiny.

(iv) section 53,

Piracy.

(v) section 75,

Piratical acts.

(vi) section 76,

Murder.

(vii) section 206,

Manslaughter.

(viii) section 207,

Attempted murder.

(ix) section 210,

Threat to murder.

(x) paragraph *(a)* of subsection (1) of section 316,

Conspiracy to murder.

(xi) paragraph *(a)* of section 408,

Combination restraining trade.

(xii) section 411, or

Discrimination in trade.

(xiii) section 412; or

Accessories.

(b) accessory after the fact to treason or murder.

Jurisdiction over person.

414. Subject to this Act, every superior court of criminal jurisdiction and every court of criminal jurisdiction that has power to try an indictable offence is competent to try an accused for that offence

(a) if the accused is found, is arrested or is in custody within the territorial jurisdiction of the court; or

(b) if the accused has been committed for trial to, or has been ordered to be tried by

(i) that court, or

(ii) any other court, the jurisdiction of which has by lawful authority been transferred to that court.

Trial by jury compulsory.

415. Except where otherwise expressly provided by law, every accused who is charged with an indictable offence shall be tried by a court composed of a judge and jury.

413. (1) Section 580 (1).

(2) Sections 582 and 583.

414. Section 577.

415. New.

Option for trial without jury in trade conspiracy cases.

416. (1) Where an indictment is found against an accused, other than a corporation, for an offence under the *Combines Investigation Act* or under section 411 or 412, the accused may elect to be tried without a jury and where he so elects he shall be tried by the judge presiding at the court at which the indictment is found, or the judge presiding at any subsequent sittings of that court, or at any court where the indictment comes on for trial.

Part XVI applies.

(2) Where an accused makes an election under subsection (1), the proceedings subsequent to the election shall be in accordance with Part XVI in so far as that Part is capable of being applied.

Trial without jury in Alberta.

417. Notwithstanding anything in this Act, an accused who is charged with an indictable offence in the Province of Alberta may, with his consent, be tried by a judge of the superior court of criminal jurisdiction of Alberta without a jury.

Adjournment when no jury summoned.

418. Where the competent authority has determined that a panel of jurors is not to be summoned for a term or sittings of the court for the trial of criminal cases in any territorial division, the clerk of the court may, on the day of the opening of the term or sittings, if a judge is not present to preside over the court, adjourn the court and the business of the court to a subsequent day.

SPECIAL JURISDICTION.

419. For the purposes of this Act,

On water between jurisdictions.

(a) where an offence is committed in or upon any water or upon a bridge, between two or more territorial divisions, the offence shall be deemed to have been committed in any of the territorial divisions;

Near boundary between jurisdictions.

(b) where an offence is committed on the boundary of two or more territorial divisions or within five hundred yards of any such boundary, or the offence was commenced within one territorial division and completed within another, the offence shall be deemed to have been committed in any of the territorial divisions;

During course of journey in ship or vehicle.

(c) where an offence is committed in or upon a vehicle employed in a journey, or on board a vessel employed on a navigable river, canal or inland water, the offence shall be deemed to have been committed in any territorial division through which the vehicle or vessel passed in the course of the journey or voyage on which the offence was committed, and where the center or other part of the road, or navigable river, canal or inland water on which the vehicle or vessel passed in the course of the journey or voyage is the boundary of two or more territorial divisions, the offence shall be deemed to have been committed in any of the territorial divisions;

416. Section 581.

417. Section 581A.

418. Section 580 (2).

419. Sections 545A and 584.

Aircraft.

(d) where an offence is committed in an aircraft in the course of a flight of that aircraft, it shall be deemed to have been committed

(i) in the territorial division in which the flight commenced,

(ii) in any territorial division over which the aircraft passed in the course of the flight, or

(iii) in the territorial division in which the flight ended; and

Door-to-door mail delivery.

(e) where an offence is committed in respect of a mail in the course of the door-to-door delivery of the mail, the offence shall be deemed to have been committed in any territorial division through which the mail was carried on that delivery.

Offences in territorial waters.

420. (1) Where an offence is committed by a person, whether or not he is a Canadian citizen, on a part of the sea adjacent to the coast of Canada and within three nautical miles of ordinary low water mark, whether or not it was committed on board or by means of a Canadian ship, the offence is within the competence of and shall be tried by the court having jurisdiction in respect of similar offences in the territorial division nearest to the place where the offence was committed, and shall be tried in the same manner as if the offence had been committed within that territorial division.

Consent.

(2) No proceedings for an offence to which subsection (1) applies shall, where the accused is not a Canadian citizen, be instituted without the consent of the Attorney General of Canada.

Offence committed entirely in one province not triable in another.

421. (1) Subject to subsections (2) and (3), nothing in this Act authorizes a court in a province to try an offence committed entirely in another province.

Exception.

(2) Every proprietor, publisher, editor or other person charged with the publication of a defamatory libel in a newspaper or with conspiracy to publish a defamatory libel in a newspaper shall be dealt with, indicted, tried and punished in the province where he resides or in which the newspaper is printed.

Exception.

(3) Where an accused is in custody and signifies in writing his intention to plead guilty to an offence with which he is charged that is alleged to have been committed in Canada outside the province in which he is in custody, he may, if the offence is not an offence mentioned in subsection (2) of section 413, and the Attorney General of the province where the offence is alleged to have been committed consents, be brought before a court or person that would have had jurisdiction to try that offence if it had been committed in the province where the accused is in custody, and where he pleads guilty to that offence, the court or person shall convict the accused and impose the punishment warranted

420. (1) New.

(2) Section 591.

421. (1) and (2). Section 888.

(3) New.

by law, but where he does not plead guilty, he shall be returned to custody and shall be dealt with according to law.

"Newspaper".

(4) In this section, "newspaper" has the same meaning that it has in section 247.

Offence in unorganized territory.

422. (1) Where an offence is committed in an unorganized tract of country in any province or on a lake, river or other water therein, not included in a territorial division or in a provisional judicial district, proceedings in respect thereof may be commenced and an accused may be charged, tried and punished in respect thereof within any territorial division or provisional judicial district of the province in the same manner as if the offence had been committed within that territorial division or provisional judicial district.

New territorial division.

(2) Where a provisional judicial district or a new territorial division is constituted in an unorganized tract referred to in subsection (1), the jurisdiction conferred by that subsection continues until appropriate provision is made by law for the administration of criminal justice within the provisional judicial district or new territorial division.

Offence not in a province.

423. Where an offence is committed in a part of Canada not in a province, proceedings in respect thereof may be commenced and the accused may be charged, tried and punished within any territorial division in any province in the same manner as if that offence had been committed in that territorial division.

Rules of Court.

Power to make rules.

424. (1) Every superior court of criminal jurisdiction and every court of appeal, respectively, may, at any time with the concurrence of a majority of the judges thereof present at a meeting held for the purpose, make rules of court not inconsistent with this Act or any other Act of the Parliament of Canada, and any rules so made shall apply to any prosecution, proceeding, action or appeal, as the case may be, within the jurisdiction of that court, instituted in relation to any matter of a criminal nature or arising from or incidental to any such prosecution, proceeding, action or appeal.

(2) Rules under subsection (1) may be made

Regulating duties of officers.

(a) generally to regulate the duties of the officers of the court and any other matter considered expedient to attain the ends of justice and carry into effect the provisions of the law;

Regulating sittings.

(b) to regulate the sittings of the court or any division thereof, or of any judge of the court sitting in chambers, except in so far as they are regulated by law;

(4) Section 2 (23).

422. Section 585.

423. Sections 586 and 587.

424. Sections 576, 1017 (1), 1020 (5) and 1021 (1), (2), (3), (11) and (13) to (18).

Regulating practice.

(c) to regulate in criminal matters the pleading, practice and procedure in the court including proceedings with respect to *mandamus*, *certiorari*, *habeas corpus*, prohibition, bail and costs, and the proceedings on an application to a summary conviction court to state a case for the opinion of the court with respect to a conviction, order, determination or other proceeding; and

Relating to appeals.

(d) to carry out the provisions of this Act relating to appeals from conviction, acquittal or sentence on indictment, and without restricting the generality of this paragraph,

(i) for furnishing necessary forms and instructions in relation to notices of appeal or applications for leave to appeal to officials or other persons requiring or demanding them,

(ii) for ensuring the accuracy of notes taken at a trial and the verification of any copy or transcript,

(iii) for keeping writings, exhibits or other things connected with the proceedings on the trial,

(iv) for securing the safe custody of property during the period in which the operation of an order with respect to that property is suspended under subsection (1) of section 595, and

(v) for providing that the Attorney General and counsel who acted for the Attorney General at the trial be supplied with certified copies of writings, exhibits and things connected with the proceedings that are required for the purposes of their duties.

Rules to continue.

(3) Where in any province rules of court relating to criminal matters are in force when this Act comes into force, they shall continue in force except in so far as they may be amended or repealed from time to time by the court authorized by this section to make rules.

Publication.

(4) Rules of court that are made under the authority of this section shall be published in the *Canada Gazette*.

Regulations to secure uniformity.

(5) Notwithstanding anything in this section, the Governor in Council may make such provision as he considers proper to secure uniformity in the rules of court in criminal matters, and all uniform rules made under the authority of this subsection shall prevail and have effect as if enacted by this Act.

57325—19

PART XIII.

SPECIAL PROCEDURE AND POWERS.

General Powers of Certain Officials.

Officials with powers of two justices.

425. Every judge or magistrate authorized by the law of the province in which he is appointed to do anything that is required to be done by two or more justices may do alone anything that this Act or any other Act of the Parliament of Canada authorizes two or more justices to do.

Preserving order in court.

426. Every judge or magistrate has the same power and authority to preserve order in a court over which he presides as may be exercised by the superior court of criminal jurisdiction of the province during the sittings thereof.

Trial of juveniles to be without publicity.

427. Where an accused is or appears to be under the age of sixteen years, his trial shall take place without publicity, whether he is charged alone or jointly with another person.

Exclusion of public in certain cases.

428. The trial of an accused that is a corporation or who is or appears to be sixteen years of age or more shall be held in open court, but where the court, judge, justice or magistrate, as the case may be, is of opinion that it is in the interest of public morals, the maintenance of order or the proper administration of justice to exclude all or any members of the public from the court room, he may so order.

Information for search warrant.

429. (1) A justice who is satisfied by information upon oath in Form 1, that there is reasonable ground to believe that there is in a building, receptacle or place,

(a) anything upon or in respect of which any offence against this Act or any other Act of the Parliament of Canada has been or is suspected to have been committed,

(b) anything that there is reasonable ground to believe will afford evidence with respect to the commission of an offence against this Act or any other Act of the Parliament of Canada, or

(c) anything that there is reasonable ground to believe is intended to be used for the purpose of committing any offence against the person for which a person may be arrested without warrant,

may at any time issue a warrant under his hand authorizing

425. Section 604.

426. Section 606.

427. Section 644.

428. Sections 645 and 714.

429. Sections 629 and 662.

a person named therein or a peace officer to search the building, receptacle or place for any such thing, and to seize and carry it before the justice who issued the warrant or some other justice for the same territorial division to be dealt with by him according to law.

Endorsement of search warrant.

(2) Where the building, receptacle, or place in which anything mentioned in subsection (1) is believed to be is in some other territorial division, the justice may issue his warrant in like form modified according to the circumstances, and the warrant may be executed in the other territorial division after it has been endorsed, in Form 25, by a justice having jurisdiction in that territorial division.

Form.

(3) A search warrant issued under this section may be in Form 5.

Effect of endorsement.

(4) An endorsement that is made upon a warrant pursuant to subsection (2) is sufficient authority to the peace officers to whom it was originally directed and to all peace officers within the jurisdiction of the justice by whom it is endorsed to execute the warrant and to take the things to which it relates before the justice who issued the warrant or some other justice for the same territorial division.

Execution of search warrant.

430. A warrant issued under section 429 shall be executed by day, unless the justice, by the warrant, authorizes execution of it by night.

Seizure of things not specified.

431. Every person who executes a warrant issued under section 429 may seize, in addition to the things mentioned in the warrant, anything that on reasonable grounds he believes has been obtained by or has been used in the commission of an offence, and carry it before the justice who issued the warrant or some other justice for the same territorial division, to be dealt with in accordance with section 432.

Detention of things seized.

432. (1) Where anything that has been seized under section 431 or under a warrant issued pursuant to section 429 is brought before a justice, he shall, unless the prosecutor otherwise agrees, detain it or order that it be detained, taking reasonable care to ensure that it is preserved until the conclusion of any investigation or until it is required to be produced for the purposes of a preliminary inquiry or trial.

When accused committed for trial.

(2) When an accused has been committed for trial the justice shall forward anything to which subsection (1) applies to the clerk of the court to which the accused has been committed for trial to be detained by him and disposed of as the court directs.

Disposal of things seized in other cases.

(3) Where a justice is satisfied that anything that has been seized under section 431 or under a warrant issued pursuant to section 429 will not be required for any purpose mentioned in subsection (1) or (2), he may

430. Section 630.

431. New.

432. (1) and (2). Section 631.

(3) New.

(*a*) if possession of it by the person from whom it was seized is unlawful, order it to be forfeited unless he is authorized or required by law to dispose of it in some other way, or

(*b*) order that it be returned to the person from whom it was seized.

Detention pending appeal, etc.

(4) Nothing shall be disposed of under subsection (3) pending any proceeding in which the right of seizure is questioned, or within thirty days after an order is made under that subsection.

Seizure of explosives.

433. (1) Every person who executes a warrant issued under section 429 may seize any explosive substance that he suspects is intended to be used for an unlawful purpose, and shall, as soon as possible, remove to a place of safety anything that he seizes by virtue of this section and detain it until he is ordered by a judge of a superior court to deliver it to some other person or an order is made pursuant to subsection (2).

Forfeiture.

(2) Where an accused is convicted of an offence in respect of anything seized by virtue of subsection (1), it is forfeited and shall be dealt with as the court that makes the conviction may direct.

Application of proceeds.

(3) Where anything to which this section applies is sold, the proceeds of the sale shall be paid to the Attorney General.

(4) New.

433. Section 633.

PART XIV.

COMPELLING APPEARANCE OF ACCUSED BEFORE A JUSTICE.

Arrest Without Warrant.

By any person.

434. Any one may arrest without warrant a person whom he finds committing an indictable offence.

By peace officer.

435. A peace officer may arrest without warrant

(a) a person who has committed or who, on reasonable and probable grounds, he believes has committed or is about to commit an indictable offence, or

(b) a person whom he finds committing a criminal offence.

By any person on fresh pursuit.

436. Any one may arrest without warrant a person who, on reasonable and probable grounds, he believes

(a) has committed a criminal offence, and

(b) is

(i) escaping from, and

(ii) freshly pursued by,

persons who have lawful authority to arrest that person.

By owner of property.

437. Any one who is

(a) the owner of property, or

(b) a person authorized by the owner of property,

may arrest without warrant a person whom he finds committing a criminal offence on or in relation to that property.

Delivery to peace officer of person arrested without warrant.

Detention by peace officer.

Taking before justice.

438. (1) Any one who arrests a person without warrant shall deliver that person to a peace officer.

(2) A peace officer may detain a person who has been arrested without warrant and shall, as soon as possible, bring that person before a justice to be dealt with according to law.

(3) Any one who arrests a person upon a warrant shall, as soon as possible, bring that person before the justice who issued the warrant or before some other justice for the same territorial division.

434. Section 646.

435. Sections 647, 648 and 652 (in part).

436. Section 649.

437. Section 650.

438. Section 652 (in part) and new in part.

In what cases justice may receive information.

439. (1) Any one who, upon reasonable and probable grounds, believes that a person has committed an indictable offence may lay an information in writing and under oath before a justice, and the justice shall receive the information where it is alleged that

(a) the person has committed, anywhere, an indictable offence that may be tried in the province in which the justice resides, and that the person

(i) is or is believed to be, or

(ii) resides or is believed to reside,

within the territorial jurisdiction of the justice;

(b) the person, wherever he may be, has committed an indictable offence within the territorial jurisdiction of the justice;

(c) the person has anywhere unlawfully received property that was unlawfully obtained within the territorial jurisdiction of the justice; or

(d) the person has in his possession stolen property within the territorial jurisdiction of the justice.

Form.

(2) An information that is laid under this section may be in Form 2.

Justice to hear informant or witnesses.

440. (1) A justice who receives an information shall

(a) hear and consider, *ex parte*,

(i) the allegations of the informant, and

(ii) the evidence of witnesses, where he considers it desirable or necessary to do so; and

Summons or warrant.

(b) issue, where he considers that a case for so doing is made out, a summons or warrant, as the case may be, to compel the accused to attend before him.

Process compulsory.

(2) No justice shall refuse to issue a summons or warrant by reason only that the alleged offence is one for which a person may be arrested without warrant.

Procedure when witnesses attend.

(3) A justice who hears the evidence of a witness pursuant to subsection (1) shall

(a) take the evidence upon oath, and

(b) cause the evidence to be taken in accordance with section 453 in so far as that section is capable of being applied.

No process in blank.

(4) No justice shall sign a summons or warrant in blank.

Summons.

441. (1) A summons shall

(a) be directed to the accused,

(b) set out briefly the offence in respect of which the accused is charged, and

(c) require the accused to appear at a time and place to be stated therein.

439. Sections 653 and 654.

440. Section 655 (1), (2) and (4).

(4) Sections 658 (3) and 659 (2).

441. (1) to (3). Section 658.

Form.

(2) A summons may be in Form 6.

Service on individual.

(3) A summons shall be served by a peace officer who shall deliver it personally to the person to whom it is directed, or, if that person cannot conveniently be found, shall leave it for him at his last or usual place of abode with some inmate thereof who appears to be at least sixteen years of age.

Service on corporation.

(4) Subject to subsection (5), where an accused is a corporation the summons shall be served by delivering it to the manager, secretary or other executive officer of the corporation, or of a branch thereof.

Service on municipality.

(5) Where an accused is a municipal corporation, the summons may be served by delivering it to the mayor, secretary-treasurer or clerk of the corporation.

Proof of service.

(6) Service of a summons may be proved by the oral evidence, given under oath, of the peace officer who served it or by his affidavit made before a justice.

Contents of warrant to arrest.

442. (1) A warrant shall

(a) name or describe the accused,

(b) set out briefly the offence in respect of which the accused is charged, and

(c) order that the accused be arrested and brought before the justice who issued the warrant or before some other justice having jurisdiction in the same territorial division, to answer to the charge and to be further dealt with according to law.

No return day.

(2) A warrant remains in force until it is executed, and need not be made returnable at any particular time.

Form.

(3) A warrant may be in Form 7.

Formalities of warrant.

443. A warrant that is authorized by this Part shall be signed by a justice and may be directed,

(a) to a peace officer by name,

(b) to a peace officer by name and all other peace officers within the territorial jurisdiction of the justice, or

(c) generally to all peace officers within the territorial jurisdiction of the justice.

Summons not to prevent warrant.

444. (1) A justice may issue a warrant in Form 7 for the arrest of an accused notwithstanding that a summons has already been issued to require the appearance of the accused.

(2) Where

Warrant in default of appearance.

(a) service of a summons is proved and the accused does not appear, or

(4) and (5). Section 782 (1).

442. Sections 659 (1), 660 (2) and (3) and 664.

443. Section 660 (1).

444. (1) Section 660 (4).

(2) Section 660 (5).

(b) it appears that a summons cannot be served because the accused is evading service,

a justice may issue a warrant in Form 8.

Execution of warrant.

445. (1) A warrant may be executed by arresting the accused

Where.

(a) wherever he is found within the territorial jurisdiction of the justice by whom the warrant was issued, or

(b) wherever he is found in Canada, in the case of fresh pursuit.

By whom.

(2) A warrant may be executed by a person who is

(a) the peace officer named in the warrant, or

(b) one of the peace officers to whom it is directed,

whether or not the place in which the warrant is to be executed is within the territory for which the person is a peace officer.

PROCEDURE TO PROCURE ATTENDANCE OF A PRISONER.

446. (1) Where a person who is confined in a prison is required

For preliminary inquiry.

(a) to attend at a preliminary inquiry into a charge against him,

For trial.

(b) to stand his trial upon a charge that may be tried by indictment or on summary conviction, or

As a witness.

(c) to attend to give evidence in a proceeding to which this Act applies,

Judge's order.

a judge of a superior court of criminal jurisdiction or of a county or district court may order in writing that the prisoner be brought before the court, judge, justice, or magistrate before whom his attendance is required, from day to day as may be necessary, if

(d) the applicant for the order sets out the facts of the case in an affidavit and produces the warrant, if any, and

(e) the judge is satisfied that the ends of justice require that an order be made.

Magistrate's order.

(2) A magistrate has the same powers for the purposes of subsection (1) as a judge has under that subsection, where the person whose attendance is required is confined in a prison within the province in which the magistrate has jurisdiction.

Conveyance of prisoner.

(3) An order that is made under subsection (1) or (2) shall be addressed to the person who has custody of the prisoner, and on receipt thereof that person shall

445. Section 661.

446. Sections 662 (4) to (6), 883, 941 and 977.

(a) deliver the prisoner to any person who is named in the order to receive him, or

(b) bring the prisoner before the court, judge, justice or magistrate, as the case may be, upon payment of his reasonable charges in respect thereof.

Detention of prisoner required as witness.

(4) Where the prisoner is required as a witness, the judge or magistrate shall direct, in the order, the manner in which the prisoner shall be kept in custody and returned to the prison from which he is brought.

Detention of prisoner in other cases.

(5) Where the appearance of the prisoner is required for the purposes of paragraph *(a)* or *(b)* of subsection (1), the judge or magistrate shall give appropriate directions in the order with respect to the manner in which the prisoner is

(a) to be kept in custody, if he is committed for trial; or

(b) to be returned, if he is discharged upon a preliminary inquiry or if he is acquitted of the charge against him.

Application of sections respecting sentence.

(6) Sections 621 and 634 apply where a prisoner to whom this section applies is convicted and sentenced to imprisonment by the court, judge, justice or magistrate.

Endorsement of Warrant.

Endorsing warrant.

447. (1) Where a warrant for the arrest of an accused cannot be executed in accordance with section 445, a justice within whose jurisdiction the accused is or is believed to be shall, upon application, authorize the execution of the warrant within his jurisdiction by making an endorsement, which may be in Form 25, upon the warrant.

Effect of endorsement.

(2) An endorsement that is made upon a warrant pursuant to subsection (1) is sufficient authority to the peace officers to whom it was originally directed, and to all peace officers within the territorial jurisdiction of the justice by whom it is endorsed, to execute the warrant and to take the accused before the justice who issued the warrant or before some other justice for the same territorial division.

Coroner's Warrant.

Coroner's warrant.

448. (1) Where a person is alleged, by a verdict upon a coroner's inquisition, to have committed murder or manslaughter but he has not been charged with the offence, the coroner shall

(a) direct, by warrant under his hand, that the person be taken into custody and be conveyed, as soon as possible, before a justice, or

Recognizance.

(b) direct the person to enter into a recognizance before him with or without sureties, to appear before a justice.

Transmitting depositions.

(2) Where a coroner makes a direction under subsection (1) he shall transmit to the justice the evidence taken before him in the matter.

447. Section 662 (1) to (3).

448. Section 667.

PART XV.

PROCEDURE ON PRELIMINARY INQUIRY.

JURISDICTION.

Inquiry by justice.

449. Where an accused who is charged with an indictable offence is before a justice

(a) after being arrested without a warrant,

(b) pursuant to section 448,

(c) voluntarily or upon summons, or

(d) while in custody for that or any other offence,

the justice shall, in accordance with this Part, inquire into the charge against that person.

Remand by justice to magistrate in certain cases.

450. (1) Where an accused is before a justice other than a magistrate as defined in Part XVI charged with an offence over which a magistrate, under that Part, has absolute jurisdiction, the justice shall remand the accused to appear before a magistrate having absolute jurisdiction over that offence in the territorial division in which the offence is alleged to have been committed.

Election before justice in certain cases.

(2) Subject to subsection (1), where an accused is before a justice charged with an offence other than an offence that is mentioned in subsection (2) of section 413 the justice shall, if

(a) he is a justice other than a magistrate as defined in Part XVI, and

(b) he orders the accused to appear for trial or commits the accused for trial,

inform the accused of the offence in respect of which the order or committal is made and put the accused to his election in the following words:

> You have the option to elect to be tried by a judge without a jury or by a court composed of a judge and jury. How do you elect to be tried?

Procedure when accused elects trial without jury.

(3) Where an accused is put to his election under subsection (2) the justice shall

(a) endorse on the information a statement showing the nature of the election or that the accused stood mute, and

(b) state in the warrant of committal, if any, that the accused

(i) elected to be tried by a judge without a jury,

(ii) elected to be tried by a court composed of a judge and jury, or

(iii) stood mute.

449. Section 668.

450. Section 796 and new.

Powers of Justice.

Bail.

451. A justice acting under this Part may

(a) order that an accused, at any time before he has been committed for trial, be admitted to bail

(i) upon the accused entering into a recognizance in Form 28 before him or any other justice, with sufficient sureties in such amount as he or that justice directs,

(ii) upon the accused entering into a recognizance in Form 28 before him or any other justice and depositing an amount that he or that justice directs, or

(iii) upon the accused entering into his own recognizance in Form 28 before him or any other justice in such amount as he or that justice directs;

Adjournment.

(b) adjourn the inquiry from time to time and change the place of hearing, where it appears to be desirable to do so by reason of the absence of a witness, the inability of a witness who is ill to attend at the place where the justice usually sits, or for any other sufficient reason, but no such adjournment shall be for more than eight clear days unless the accused

(i) is at large on bail and he and his sureties and the informant consent to the proposed adjournment, or

(ii) is remanded for observation under subparagraph (i) of paragraph *(c)*;

Remand by order.

(c) remand an accused,

(i) by order in writing, to such custody as the justice directs for observation for a period not exceeding thirty days where, in his opinion, supported by the evidence of at least one duly qualified medical practitioner, there is reason to believe that

(A) the accused is mentally ill, or

(B) the balance of the mind of the accused is disturbed, where the accused is a female person charged with an offence arising out of the death of her newly-born child, or

(ii) orally, to the custody of a peace officer or other person, where the remand is for a period not exceeding three clear days;

Remand by warrant.

(d) remand an accused to custody in a prison, by warrant in Form 14;

Idem.

(e) resume an inquiry before the expiration of a period for which it has been adjourned;

Resuming inquiry

(f) order in writing, in Form 26, that the accused be brought before him, or any other justice for the same territorial division, at any time before the expiration of the time for which the accused has been remanded;

451. Sections 679, 680 and 681.

Issue of warrant.

(g) issue a warrant in Form 8 or 9, as the case may be, for the arrest of an accused

(i) who does not appear pursuant to service of a summons upon him, if service is proved, or

(ii) who does not appear at the time and place to which an inquiry has been adjourned;

Permission to sum up.

(h) grant or refuse permission to the prosecutor or his counsel to address him in support of the charge, by way of opening or summing up or by way of reply upon any evidence that is given on behalf of the accused;

Evidence in reply.

(i) receive evidence on the part of the prosecutor after hearing any evidence that is given on behalf of the accused;

Inquiry may be private.

(j) order that no person other than the prosecutor, the accused and their counsel shall have access to or remain in the room in which the inquiry is held, where it appears to him that the ends of justice will be best answered by so doing; and

Regulating course of inquiry.

(k) regulate the course of the inquiry in any way that appears to him to be desirable and that is not inconsistent with this Act.

Corporation.

452. Where an accused is a corporation, subsections (1) and (2) of section 470 apply, *mutatis mutandis*.

Taking Evidence of Witnesses.

453. (1) When the accused is before a justice holding a preliminary inquiry, the justice shall

Evidence for prosecution to be taken on oath.

(a) take in the presence of the accused the evidence, given under oath, of the witnesses called on the part of the prosecution and allow the accused or his counsel to cross-examine them;

Depositions in writing or by stenographer.

(b) cause a record of the evidence of each witness to be taken by a stenographer appointed by him, or in legible writing, in the form of a deposition, in Form 27.

Reading and signing depositions.

(2) Where a deposition is taken down in writing, the justice shall, in the presence of the accused, before asking the accused if he wishes to call witnesses,

(a) cause the deposition to be read to the witness,

(b) cause the deposition to be signed by the witness, and

(c) sign the deposition himself.

Authentication by justice.

(3) Where depositions are taken down in writing the justice may sign

(a) at the end of each deposition, or

(b) at the end of several or of all the depositions in a manner that will indicate that his signature is intended to authenticate each deposition.

452. New

453. Sections 682, 683 and 684 (1).

Stenographer to be sworn.

(4) Where the stenographer appointed to take down the evidence is not a duly sworn court stenographer he shall make oath that he will truly and faithfully report the evidence.

Authentication of transcript.

(5) Where the evidence is taken down by a stenographer appointed by the justice, it need not be read to or signed by the witnesses, but the evidence shall be transcribed by the stenographer and the transcript shall be signed by the justice and shall be accompanied by

(a) an affidavit of the stenographer that it is a true report of the evidence, or

(b) a certificate that it is a true report of the evidence if the stenographer is a duly sworn court stenographer.

Accused to be addressed.

454. (1) When the evidence of the witnesses called on the part of the prosecution has been taken down and, where required by this Part, has been read, the justice shall address the accused as follows or to the like effect:

Form of address.

Having heard the evidence, do you wish to say anything in answer to the charge? You are not bound to say anything, but whatever you do say will be taken down in writing and may be given in evidence against you at your trial.

Statement of accused.

(2) Where the accused says anything in answer to the address made by the justice pursuant to subsection (1), his answer shall be taken down in writing and shall be signed by the justice and kept with the evidence of the witnesses and dealt with in accordance with this Part.

Witnesses for accused.

(3) When subsections (1) and (2) have been complied with the justice shall ask the accused if he wishes to call any witnesses.

Depositions of such witnesses.

(4) The justice shall hear each witness called by the accused who testifies to any matter relevant to the inquiry, and for the purposes of this subsection, section 453 applies, *mutatis mutandis*.

Confession or admission of accused.

455. Nothing in this Act prevents a prosecutor giving in evidence at a preliminary inquiry any admission, confession or statement made at any time by the accused that by law is admissible against him.

Remand Where Offence Committed in Another Jurisdiction.

Order that accused be taken before justice where offence committed.

456. (1) Where an accused is charged with an offence alleged to have been committed out of the limits of the jurisdiction in which he has been charged, the justice before whom he is brought may, at any stage of the inquiry after hearing both parties, order that the accused be taken before a justice having jurisdiction in the place where the

454. Sections 684 and 686 (1).

455. Section 685.

456. Sections 665 (2) and (3) and 666.

offence is alleged to have been committed, who shall continue and complete the inquiry.

Procedure.

(2) Where a justice makes an order pursuant to subsection (1) he shall deliver to a peace officer

(a) a warrant in Form 10, and

(b) the information, evidence and recognizances, if any.

Duty of peace officer

(3) The peace officer shall produce the accused to a justice having jurisdiction in the place where the offence is alleged to have been committed and shall deliver to that justice all the writings received by the peace officer pursuant to subsection (2).

Receipt.

(4) A peace officer who complies with subsection (3) and who proves, under oath, the handwriting of the justice who subscribed the writings referred to therein is entitled to receive from the justice to whom he delivers the writings a receipt in respect thereof.

Effect of recognizance.

(5) A recognizance that is delivered by a peace officer to a justice having jurisdiction in the place where the offence is alleged to have been committed shall be deemed to have been taken by the justice to whom it is delivered, and continues in force, unless that justice requires a new recognizance, until the accused is committed for trial or discharged, as the case may be.

Deposition.

(6) The evidence that, pursuant to subsection (3), is delivered by a peace officer to a justice shall be deemed to have been taken by that justice.

Procedure Where Witness Refuses to Testify.

Witness refusing to be examined.

457. (1) Where a person, being present at a preliminary inquiry and being required by the justice to give evidence,

(a) refuses to be sworn,

(b) having been sworn, refuses to answer the questions that are put to him,

(c) fails to produce any writings that he is required to produce, or

(d) refuses to sign his deposition,

without offering a reasonable excuse for his failure or refusal, the justice may adjourn the inquiry and may, by warrant in Form 16, commit the person to prison for a period not exceeding eight clear days or for the period during which the inquiry is adjourned, whichever is the lesser period.

Further commitment.

(2) Where a person to whom subsection (1) applies is brought before the justice upon the resumption of the adjourned inquiry and again refuses to do what is required of him, the justice may again adjourn the inquiry for a period not exceeding eight clear days and commit him to prison for the period of adjournment or any part thereof, and may adjourn the inquiry and commit the person to prison from time to time until the person consents to do what is required of him.

457. Section 678.

Saving.

(3) Nothing in this section shall be deemed to prevent the justice from sending the case for trial upon any other sufficient evidence taken by him.

REMEDIAL PROVISIONS.

Irregularity or variance not to affect validity.

458. The validity of any proceeding at or subsequent to a preliminary inquiry is not affected by

(a) any irregularity or defect in the substance or form of the summons or warrant,

(b) any variance between the charge set out in the summons or warrant and the charge set out in the information, or

(c) any variance between the charge set out in the summons, warrant or information and the evidence adduced by the prosecution at the inquiry.

Adjournment if accused misled.

459. Where it appears to the justice that the accused has been deceived or misled by any irregularity, defect or variance mentioned in section 458, he may adjourn the inquiry and may remand the accused or admit him to bail in accordance with this Part.

ADJUDICATION AND RECOGNIZANCES.

460. When all the evidence has been taken by the justice he shall,

Committal.

(a) if in his opinion the evidence is sufficient to put the accused on trial,

(i) commit the accused for trial by warrant in Form 17, or

(ii) order the accused, where it is a corporation, to stand trial in the court having criminal jurisdiction; or

Dismissal.

(b) discharge the accused, if in his opinion upon the whole of the evidence no sufficient case is made out to put the accused on trial.

Recognizance of witness.

461. (1) Where an accused is committed for trial or is ordered to stand trial the justice who held the preliminary inquiry may require any witness whose evidence is, in his opinion, material, to enter into a recognizance to give evidence on the trial of the accused.

Form.

(2) The recognizance may be in Form 28, and may be set out at the end of a deposition or be separate therefrom.

Sureties or deposit for appearance of witness.

(3) A justice may, for any reason satisfactory to him, require any witness entering into a recognizance pursuant to this section

(a) to produce one or more sureties in such amount as he may direct, or

458. Section 669.

459. Section 670.

460. Sections 687 and 690.

461. Sections 692 and 694.

(b) to deposit with him a sum of money sufficient in his opinion to ensure that the witness will appear and give evidence.

Witness refusing to be bound.

(4) Where a witness does not comply with subsection (1) or (3) when required to do so by a justice, he may be committed by the justice, by warrant in Form 21, to a prison in the territorial division where the trial is to be held, there to be kept until he does what is required of him or until the trial is concluded.

Discharge.

(5) Where a witness has been committed to prison pursuant to subsection (4), the court before which the witness appears or a justice having jurisdiction in the territorial division where the prison is situated may, by order in Form 35, discharge the witness from custody when the trial is concluded.

TRANSMISSION OF RECORD.

To clerk of court.

462. Where a justice commits an accused for trial, he shall forthwith send to the clerk or other proper officer of the court by which the accused is to be tried the information, the evidence, the exhibits, the statement, if any, of the accused, the recognizances entered into, and any evidence taken before a coroner, that are in the possession of the justice.

BAIL.

463. (1) The following provisions with respect to bail apply where an accused has been committed for trial, namely,

By judge or magistrate.

(a) where an accused is charged with an offence other than an offence punishable with death, or an offence under sections 50 to 53, he may apply to a judge of a county or district court, or a magistrate as defined in section 466, who has jurisdiction in the territorial division in which the accused is confined; and

By superior court judge.

(b) where an accused is charged with any offence, or where bail has been refused by a judge of a county or district court or by a magistrate, he may apply to a judge of, or a judge presiding in, a superior court of criminal jurisdiction for the province.

Notice of application.

(2) Where an accused makes an application under subsection (1) he shall give notice thereof to the prosecutor.

(3) The judge or magistrate may, upon production of any material that he considers necessary upon the application, order that the accused be admitted to bail

With sureties.

(a) on entering into a recognizance before a justice with sufficient sureties in such amount as the judge or magistrate directs,

462. Section 695 (1).

463. Sections 697, 698, 700 and 702.

Deposit without sureties.

(b) on entering into his own recognizance before a justice and depositing with the justice such sum of money as the judge or magistrate directs, or

Recognizance of accused.

(c) on entering into his own recognizance before a justice in such amount as the judge or magistrate directs without any deposit,

Order for discharge.

and where the order is complied with the justice shall issue an order for discharge in Form 35, and shall attach to it the order of the judge or magistrate.

Form.

(4) The recognizance mentioned in subsection (3) shall be in Form 28.

Procedure.

(5) A justice who issues an order for discharge under this section shall send it to the keeper of the prison in which the accused is confined and the keeper shall thereupon discharge the accused if he is not in custody for any other reason.

Bail in certain cases.

464. Notwithstanding anything in this Act, no court, judge, justice or magistrate, other than a judge of or a judge presiding in a superior court of criminal jurisdiction for the province in which an accused who is charged with an offence punishable with death or an offence under sections 50 to 53 may admit that accused to bail before or after committal for trial.

Judge of superior court may vary.

465. (1) A judge of, or a judge presiding in a superior court of criminal jurisdiction may, upon application,

(a) before an accused is committed for trial,

(i) admit the accused to bail if a justice has no power to grant bail or if bail has been refused by a justice, or

(ii) vary the amount of bail fixed by a justice, or

(b) where an accused is committed for trial, vary an order for bail fixed under subsection (3) of section 463 by a judge of a county or district court or a magistrate.

No application by way of *habeas corpus*.

(2) No application shall be made by way of *habeas corpus* for the purpose of fixing, reviewing or varying bail.

464. Section 699.

465. Section 701.

PART XVI.

INDICTABLE OFFENCES—TRIAL WITHOUT JURY.

Interpretation.

"Judge."

466. In this Part,

(a) "judge" means,

(i) in the province of Ontario, a judge or a junior judge of a county or district court,

(ii) in the province of Quebec, a judge of the sessions of the peace or a district magistrate,

(iii) in the provinces of Nova Scotia, New Brunswick and Prince Edward Island, a judge of a county court,

(iv) in the province of Manitoba, the Chief Justice, or a puisne judge of the Court of Queen's Bench, or a judge of a county court,

(v) in the province of British Columbia, the Chief Justice or a puisne judge of the Supreme Court, or a judge of a county court,

(vi) in the provinces of Saskatchewan and Alberta, a judge of the superior court of criminal jurisdiction of the province, or of a district court, and

(vii) in the province of Newfoundland, a judge of the Supreme Court or of a district court,

(viii) in the Yukon Territory, a judge of the Territorial Court, and

(ix) in the Northwest Territories, a judge of the Territorial Court; and

"Magistrate."

(b) "magistrate" means

(i) a person appointed under the law of a province, by whatever title he may be designated, who is specially authorized by the terms of his appointment to exercise the jurisdiction conferred upon a magistrate by this Part, but does not include two or more justices of the peace sitting together,

(ii) with respect to the Yukon Territory, a police magistrate appointed under the *Yukon Act*, and

(iii) with respect to the Northerwest Territories, a police magistrate appointed under the *Northwest Territories Act*.

JURISDICTION OF MAGISTRATES.

Absolute Jurisdiction.

467. The jurisdiction of a magistrate to try an accused is absolute and does not depend upon the consent of the accused where the accused is charged in an information

This Part is derived from Parts XVI and XVIII of the present *Criminal Code*. It is a consolidation and revision of those Parts.

Theft, etc., under fifty dollars.

(a) with

(i) theft or attempted theft,

(ii) obtaining or attempting to obtain money or property by false pretences, or

(iii) unlawfully retaining in his possession or receiving anything, knowing that it was obtained by the commission in Canada of an offence punishable by indictment,

where the alleged value of what is alleged to be stolen, obtained, received, retained or attempted to be stolen or obtained, does not exceed fifty dollars; or

(b) with an offence under

Obstructing public or peace officer.

(i) paragraph *(a)* of section 110,

Common gaming or betting house.

(ii) section 176,

Book making, pool-selling, etc.

(iii) section 177,

Lotteries, etc.

(iv) section 179,

Cheating at play.

(v) section 181,

Keeping common bawdy-house.

(vi) section 182,

Assaults.

(vii) section 231,

Assaulting public or peace officer.

(viii) paragraph *(a)* of subsection (2) of section 232, or

Fraud in relation to fares.

(ix) section 336.

MAGISTRATE'S JURISDICTION WITH CONSENT.

Trial by magistrate with consent.

468. (1) Where an accused is charged in an information with an indictable offence other than an offence that is mentioned in subsection (2) of section 413, and the offence is not one over which a magistrate has absolute jurisdiction under section 467, a magistrate may try the accused if the accused elects to be tried by a magistrate.

Election.

(2) An accused to whom this section applies shall, after the information has been read to him, be put to his election in the following words:

You have the option to elect to be tried by a magistrate without a jury; or you may elect to be tried by a judge without a jury; or you may elect to be tried by a court composed of a judge and jury. How do you elect to be tried?

Procedure where accused does not consent.

(3) Where an accused does not elect to be tried by a magistrate or stands mute, the magistrate shall hold a preliminary inquiry in accordance with Part XV, and if the accused is committed for trial or, in the case of a corporation is ordered to stand trial, the magistrate shall

(*a*) endorse on the information a statement showing the nature of the election or that the accused stood mute, and

(*b*) state in the warrant of committal, if any, that the accused

(i) elected to be tried by a judge without a jury,

(ii) elected to be tried by a court composed of a judge and jury, or

(iii) stood mute.

Procedure where accused consents.

(4) Where an accused elects to be tried by a magistrate, the magistrate shall

(*a*) endorse on the information a record of the election, and

(*b*) call upon the accused to plead to the charge, and if the accused does not plead guilty the magistrate shall proceed with the trial or fix a time for the trial.

Magistrate may decide to hold preliminary inquiry.

469. Where an accused elects to be tried by a magistrate, but it appears to the magistrate that for any reason the charge should be prosecuted by indictment, he may, at any time before the accused has entered upon his defence, decide not to adjudicate and shall thereupon inform the accused of his decision and continue the proceedings as a preliminary inquiry.

Corporation.

470. (1) An accused that is a corporation shall appear by its counsel or agent.

Non-appearance of.

(2) Where an accused corporation does not appear pursuant to a summons and service of the summons upon the corporation in accordance with subsection (4) of section 441 is proved, the magistrate

(*a*) may, if the charge is one over which he has absolute jurisdiction, proceed with the trial of the charge in the absence of the accused corporation, and

(*b*) shall, if the charge is not one over which he has absolute jurisdiction, hold a preliminary inquiry in accordance with Part XV.

Corporation not electing.

(3) Where an accused corporation appears but does not make any election under subsection (2) of section 468, the magistrate shall hold a preliminary inquiry in accordance with Part XV.

Taking evidence.

471. Where an accused is tried by a magistrate in accordance with this Part, the evidence of witnesses for the prosecutor and the accused shall be taken in accordance with the provisions of Part XV relating to preliminary inquiries, but it is not necessary for witnesses to sign their depositions.

JURISDICTION OF JUDGES.

Trial by judge with consent.

472. An accused who is charged with an indictable offence other than an offence that is mentioned in subsection (2) of section 413 shall, where he elects under section 450, 468 or 475 to be tried by a judge without a jury, be tried, subject to this Part, by a judge without a jury.

Court of record.

473. (1) A judge who holds a trial under this Part shall, for all purposes thereof and proceedings connected therewith or relating thereto, be a court of record to be

Title.

called the Non-Jury Criminal Court for the district or county in which it is held.

Custody of records.

(2) The record of a trial that a judge holds under this Part shall be kept in the court over which the judge presides.

ELECTION.

Duty of judge.

474. (1) Where an accused elects, under section 450 or 468, to be tried by a judge without a jury, a judge having jurisdiction shall,

Notice by sheriff.

(a) upon receiving a written notice from the sheriff stating that the accused is in custody and setting out the nature of the charge against him, or

Notice by clerk of court.

(b) upon being notified by the clerk of the court that the accused is not in custody and of the nature of the charge against him,

fix a time and place for the trial of the accused.

Notice by sheriff, when given.

(2) The sheriff shall give the notice mentioned in paragraph *(a)* of subsection (1) within twenty-four hours after the accused is committed for trial, if he is in custody pursuant to that committal or if, at the time of committal, he is in custody for any other reason.

Duty of sheriff when date set for trial.

(3) Where, pursuant to subsection (1), a time and place is fixed for the trial of an accused who is in custody, the accused

(a) shall be notified forthwith by the sheriff of the time and place so fixed, and

(b) shall be produced at the time and place so fixed.

Duty of accused when not in custody.

(4) Where an accused is not in custody the duty of ascertaining from the clerk of the court the time and place fixed for the trial, pursuant to subsection (1), is on the accused, and he shall attend for his trial at the time and place so fixed.

Notice of intention to re-elect.

475. (1) Where an accused elects under section 450 or 468 to be tried by a court composed of a judge and jury, the accused may notify the sheriff in the territorial division in which he is to be tried that he desires to re-elect under this section.

Duty of sheriff.

(2) A sheriff who receives notice pursuant to subsection (1) shall forthwith inform a judge having jurisdiction and the judge shall fix a time and place for the accused to re-elect and shall cause notice thereof to be given to the accused.

Election.

(3) The accused shall attend or, if he is in custody, shall be produced at the time and place fixed under subsection (2) and shall, after the charge upon which he has been committed for trial or ordered to stand trial has been read

Procedure.

to him, be put to his election in the following words:

You have elected to be tried by a court composed of a judge and jury. Do you now elect to be tried by a judge without a jury?

(4) Where an accused elects under this section to be tried by a judge without a jury, the judge shall proceed with the trial or fix a time and place for the trial.

Limit of time for re-election.

(5) Where an accused does not notify the sheriff in accordance with subsection (1) more than fourteen days before the day fixed for the opening of the sittings or session of the court sitting with a jury by which he is to be tried, no election may be made under this section unless the Attorney General or counsel acting on his behalf consents in writing.

Consent by Crown to re-election in certain cases.

476. Where an accused, being charged with an offence that, under this Part, may be tried by a judge without a jury, is committed for trial or, in the case of a corporation, is ordered to stand trial, within fourteen days of the opening of the sittings or session of the court composed of a judge and jury by which the accused is to be tried, the accused is not entitled to elect, under section 475, to be tried under this Part by a judge without a jury unless the Attorney General or counsel acting on his behalf consents in writing.

Election deemed to have been made in certain cases.

477. Where an accused is committed for trial or ordered to stand trial for an offence that, under this Part, may be tried by a judge without a jury, he shall, for the purposes of the provisions of this Part relating to election and re-election, be deemed to have elected to be tried by a court composed of a judge and jury if

(a) he stood mute when he was put to his election under section 450 or 468, or

(b) he elected under section 468 to be tried by a magistrate and the magistrate, pursuant to section 469, continued the proceedings as a preliminary inquiry.

TRIAL.

Preferring charge.

478. (1) Where an accused elects, under section 450, 468 or 475, to be tried by a judge without a jury, an indictment in Form 4 shall be preferred by the Attorney General or his agent, or by the Deputy Attorney General, or by any person who has the written consent of the Attorney General, and in the province of British Columbia may be preferred by the clerk of the peace.

What offences may be included.

(2) An indictment that is preferred under subsection (1) may contain any number of counts, and there may be joined in the same indictment

(a) counts relating to offences in respect of which the accused elected to be tried by a judge without a jury and for which the accused was committed for trial, whether or not the offences were included in one information, and

(b) counts relating to offences disclosed by the evidence taken on the preliminary inquiry, in addition to or in substitution for any offence for which the accused was committed for trial.

Consent of Attorney General or accused in certain cases.

(3) An indictment that is preferred under subsection (1) may include an offence that is not referred to in paragraph *(a)* or *(b)* of subsection (2) if the accused consents, and that offence may be dealt with, tried and determined and punished in all respects as if the offence were one in respect of which the accused had been committed for trial, but if that offence was committed wholly in a province other than that in which the accused is before the court, subsection (3) of section 421 applies.

GENERAL.

Discretion of judge or magistrate where more than one accused.

479. Where two or more persons are charged with the same offence the following provisions apply, namely,

(a) if one or more of them, but not all, elect under section 450 to be tried by a judge without a jury, a judge may, in his discretion, decline to fix a time for the trial pursuant to section 474 and may require all the persons to be tried by a court composed of a judge and jury;

(b) if one or more of them, but not all, elect under section 468 to be tried by a magistrate or by a judge without a jury, as the case may be, the magistrate may, in his discretion, decline to record the election and if he does so, shall hold a preliminary inquiry; and

(c) if one or more of them, but not all, elect under section 475 to be tried by a judge without a jury the judge may, in his discretion, require all the persons to be tried by a court composed of a judge and jury.

Attorney General may require trial by jury.

480. The Attorney General may, notwithstanding that an accused elects under section 450, 468 or 475 to be tried by a judge or magistrate, as the case may be, require the accused to be tried by a court composed of a judge and jury, unless the alleged offence is one that is punishable with imprisonment for five years or less, and where the Attorney General so requires, a judge has no jurisdiction to try the accused under this Part and a magistrate shall hold a preliminary inquiry.

Continuance of proceedings when judge or magistrate unable to act.

481. (1) Where an accused elects, under section 450, 468 or 475 to be tried by a judge or magistrate, as the case may be, and the judge or magistrate before whom the trial was commenced dies or is for any reason unable to continue, the trial may be continued, without further election by the accused, before another judge or magistrate, as the case may be, who has jurisdiction to try the accused under this Part.

Duty of judge or magistrate.

(2) A judge or magistrate who acts pursuant to subsection (1)

(a) shall, if an adjudication was made by the judge or magistrate before whom the trial was commenced, impose the punishment or make the order that, in the circumstances, is authorized by law, or

(b) shall, if an adjudication was not made by the judge or magistrate before whom the trial was commenced, commence the trial again as a trial *de novo*.

Record of plea or verdict of guilty.

482. (1) Where an accused who is tried under this Part pleads guilty to or is found guilty of an offence with which he is charged, the judge or magistrate, as the case may be, shall cause a conviction in Form 31 to be drawn up and shall sentence the accused or otherwise deal with him in the manner authorized by law, and upon request shall make out and deliver to the prosecutor or to the accused a certified copy of the conviction.

Discharge and record of acquittal.

(2) Where an accused who is tried under this Part is found not guilty of an offence with which he is charged, the judge or magistrate, as the case may be, shall immediately discharge him in respect of that offence and shall cause an order in Form 33 to be drawn up, and upon request shall make out and deliver to the accused a certified copy of the order.

Transmission of record by magistrate.

(3) Where an accused elects to be tried by a magistrate under this Part, the magistrate shall transmit the written charge, the memorandum of adjudication and the conviction, if any, into such custody as the Attorney General may direct.

Proof of conviction or dismissal.

(4) A copy of a conviction or of an order, certified by the judge or by the proper officer of the court, or by the magistrate, as the case may be, or proved to be a true copy, is, upon proof of the identity of the person, sufficient evidence in any legal proceedings to prove the conviction of that person or the dismissal of a charge against him, as the case may be, for the offence mentioned therein.

Warrant of committal.

(5) Where an accused other than a corporation is convicted, the judge or magistrate, as the case may be, shall issue or cause to be issued a warrant of committal in Form 18, and section 447 applies in respect of a warrant of committal issued under this subsection.

Adjournment.

483. A judge or magistrate acting under this Part may from time to time adjourn a trial until it is finally terminated.

Application of Parts XV, XVII and XX.

484. The provisions of Part XV relating to bail and transmission of the record by the magistrate where he holds a preliminary inquiry and the provisions of Parts XVII and XX, in so far as they are not inconsistent with this Part apply, *mutatis mutandis*, to proceedings under this Part.

PART XVII.

PROCEDURE BY INDICTMENT.

Preferring Indictment.

Finding indictment.

485. For the purposes of this Part, finding an indictment includes

(a) preferring an indictment, and

(b) presentment of an indictment by a grand jury.

Prosecutor may prefer indictment.

486. The prosecutor may prefer, before a court constituted with a grand jury, a bill of indictment against any person who has been committed for trial at that court in respect of

(a) the charge on which that person was committed for trial, or

(b) any charge founded on the facts disclosed by the evidence taken on the preliminary inquiry.

487. (1) A bill of indictment may be preferred

Attorney General may prefer indictment.

(a) by the Attorney General or anyone by his direction, before the grand jury of any court constituted with a grand jury,

Other person with consent.

(b) by anyone who has the written consent of the Attorney General, or the written consent of a judge of a court constituted with a grand jury, before the grand jury of the court specified in the consent, or

Or by order.

(c) by order of a court constituted with a grand jury, before the grand jury of that court.

Consent need not be averred.

(2) No reference is necessary in an indictment to a consent that is given or an order that is made under this section.

Saving.

(3) No objection shall be taken to an indictment for want of a consent or order required by this section unless it is taken by motion to quash the indictment before the accused is given in charge to the jury.

No indictment except as provided.

488. (1) Except as provided in this Part no bill of indictment shall be preferred in Canada.

Criminal information abolished.

(2) No criminal information shall be laid or granted.

No trial on coroner's inquisition.

(3) No person shall be tried upon a coroner's inquisition.

Preferring indictment in certain provinces.

489. (1) In the provinces of Quebec, Manitoba, Saskatchewan, Alberta and British Columbia and in the Yukon Territory and Northwest Territories it is not necessary to prefer a bill of indictment before a grand jury, but it

485. Section 5 (1) *(a)*.

486. Section 872.

487. Section 873 (1) to (3).

488. Sections 873 (4), 940 and new in part.

489. Section 873 (5), (6) and (7).

is sufficient if the trial of an accused is commenced by an indictment in writing setting forth the offence with which he is charged.

Who may prefer.

(2) An indictment under subsection (1) may be preferred by the Attorney General or his agent, by the Deputy Attorney General, or by any person with the written consent of a judge of the court or of the Attorney General or, in any province to which this section applies, by order of the court.

Attorney General may direct stay.

490. The Attorney General or counsel instructed by him for the purpose may, at any time after an indictment has been found and before judgment, direct the clerk of the court to make an entry on the record that the proceedings are stayed by his direction, and when the entry is made all proceedings on the indictment shall be stayed accordingly and any recognizance relating to the proceedings is vacated.

Form of indictment.

491. An indictment is sufficient if it is on paper and is in Form 3 or 4, as the case may be.

General Provisions as to Counts.

Substance of offence.

492. (1) Each count in an indictment shall in general apply to a single transaction and shall contain and is sufficient if it contains in substance a statement that the accused committed an indictable offence therein specified.

(2) The statement referred to in subsection (1) may be

In popular language.

(a) in popular language without technical averments or allegations of matters that are not essential to be proved,

In words of enactment.

(b) in the words of the enactment that describes the offence or declares the matters charged to be an indictable offence, or

Or otherwise.

(c) in words that are sufficient to give to the accused notice of the offence with which he is charged.

Details of circumstances

(3) A count shall contain sufficient detail of the circumstances of the alleged offence to give to the accused reasonable information with respect to the act or omission to be proved against him and to identify the transaction referred to, but otherwise the absence or insufficiency of details does not vitiate the count.

Indictment for treason.

(4) Where an accused is charged with an offence under section 47 or sections 49 to 53, every overt act that is to be relied upon shall be stated in the indictment.

490. Section 962.

491. Sections 843, 844 and 845 (1) and (2).

492. Sections 847 (1) in part, 852, 853 and 855 (2).

Reference to section.

(5) A count may refer to any section, subsection, paragraph or subparagraph of the enactment that creates the offence charged, and for the purpose of determining whether a count is sufficient, consideration shall be given to any such reference.

General provisions not restricted.

(6) Nothing in this Part relating to matters that do not render a count insufficient shall be deemed to restrict or limit the application of this section.

Certain omissions not grounds for objection.

493. No count in an indictment is insufficient by reason of the absence of details where, in the opinion of the court, the count otherwise fulfils the requirements of section 492 and, without restricting the generality of the foregoing, no count in an indictment is insufficient by reason only that

(a) it does not name the person injured or intended or attempted to be injured,

(b) it does not name the person who owns or has a special property or interest in property mentioned in the count,

(c) it charges an intent to defraud without naming or describing the person whom it was intended to defraud,

(d) it does not set out any writing that is the subject of the charge,

(e) it does not set out the words used where words that are alleged to have been used are the subject of the charge,

(f) it does not specify the means by which the alleged offence was committed,

(g) it does not name or describe with precision any person, place or thing, or

(h) it does not, where the consent of a person, official or authority is required before proceedings may be instituted for an offence, state that the consent has been obtained.

Special Provisions as to Counts.

Sufficiency of count charging libel.

494. (1) No count for publishing a blasphemous, seditious or defamatory libel, or for selling or exhibiting an obscene book, pamphlet, newspaper or other written matter, is insufficient by reason only that it does not set out the words that are alleged to be libellous or the writing that is alleged to be obscene.

493. Section 855 (1).

494. Section 861.

Specifying sense.

(2) A count for publishing a libel may charge that the published matter was written in a sense that by innuendo made the publication thereof criminal, and may specify that sense without any introductory assertion to show how the matter was written in that sense.

Proof.

(3) It is sufficient, on the trial of a count for publishing a libel, to prove that the matter published was libellous, with or without innuendo.

Sufficiency of count charging perjury, etc.

495. No count that charges

(a) perjury,

(b) the making of a false oath or a false statement,

(c) fabricating evidence, or

(d) procuring the commission of an offence mentioned in paragraph *(a)*, *(b)* or *(c)*,

is insufficient by reason only that it does not state the nature of the authority of the tribunal before which the oath or statement was taken or made, or the subject of the inquiry, or the words used or the evidence fabricated, or that it does not expressly negative the truth of the words used.

Sufficiency of count relating to fraud.

496. No count that alleges false pretences, fraud or an attempt or conspiracy by fraudulent means, is insufficient by reason only that it does not set out in detail the nature of the false pretence, fraud or fraudulent means.

PARTICULARS.

What may be ordered.

497. (1) The court may, where it is satisfied that it is necessary for a fair trial, order the prosecutor to furnish particulars

(a) of what is relied upon in support of a charge of perjury, the making of a false oath or of a false statement, fabricating evidence or counselling or procuring the commission of any of those offences;

(b) of any false pretence or fraud that is alleged;

(c) of any alleged attempt or conspiracy by fraudulent means;

(d) setting out the passages in a book, pamphlet, newspaper or other printing or writing that are relied upon in support of a charge of selling or exhibiting an obscene book, pamphlet, newspaper, printing or writing;

(e) further describing any writing or words that are the subject of a charge;

(f) further describing the means by which an offence is alleged to have been committed; or

(g) further describing a person, place or thing referred to in an indictment.

495. Section 862.

496. Section 863.

497. Sections 859 and 860.

Regard to evidence.

(2) For the purpose of determining whether or not a particular is required, the court may give consideration to any evidence that has been taken.

(3) Where a particular is delivered pursuant to this section,

Copy to accused.

(a) a copy shall be given without charge to the accused or his counsel,

Recording.

(b) the particular shall be entered in the record, and

Effect of.

(c) the trial shall proceed in all respects as if the indictment had been amended to conform with the particular.

Ownership of Property.

Ownership.

498. The real and personal property of which a person has, by law, the management, control or custody shall, for the purposes of an indictment or proceeding against any other person for an offence committed on or in respect of the property, be deemed to be the property of the person who has the management, control or custody of it.

Joinder or Severance of Counts.

Count for murder to stand alone.

499. No count that charges an offence other than murder shall be joined in an indictment to a count that charges murder.

Offences may be charged in the alternative.

500. (1) A count is not objectionable by reason only that

(a) it charges in the alternative several different matters, acts or omissions that are stated in the alternative in an enactment that describes as an indictable offence the matters, acts or omissions charged in the count, or

(b) it is double or multifarious.

Application to amend or divide counts.

(2) An accused may at any stage of his trial apply to the court to amend or to divide a count that

(a) charges in the alternative different matters, acts or omissions that are stated in the alternative in the enactment that describes the offence or declares that the matters, acts or omissions charged are an indictable offence, or

(b) is double or multifarious,

on the ground that, as framed, it embarrasses him in his defence.

498. Section 865.

499. Section 856 in part.

500. Sections 854 and 891.

Order.

(3) The court may, where it is satisfied that the ends of justice require it, order that a count be amended or divided into two or more counts, and thereupon a formal commencement may be inserted before each of the counts into which it is divided.

Joinder of counts.

501. (1) Subject to section 499, any number of counts for any number of indictable offences may be joined in the same indictment, but the counts shall be distinguished in the manner shown in Forms 3 and 4.

Each count separate.

(2) Where there is more than one count in an indictment, each count may be treated as a separate indictment.

Separate trial.

(3) The court may, where it is satisfied that the ends of justice require it, direct that the accused be tried separately upon one or more of the counts.

Order for severance.

(4) An order for the separate trial of one or more counts in an indictment may be made before or during the trial, but if the order is made during the trial the jury shall be discharged from giving a verdict on the counts on which the trial does not proceed.

Subsequent procedure.

(5) The counts in respect of which a jury is discharged pursuant to subsection (4) may subsequently be proceeded upon in all respects as if they were contained in a separate indictment.

Joinder of Accused in Certain Cases.

Accessories after the fact.

502. Any one who is charged with being an accessory after the fact to any offence may be indicted, whether or not the principal or any other party to the offence has been indicted or convicted or is or is not amenable to justice.

Trial of joint receivers.

503. (1) Any number of persons may be charged in the same indictment with an offence under section 296, 297 or paragraph *(b)* or *(c)* of subsection (1) of section 298, notwithstanding that

(a) the property was received or retained at different times; or

(b) the person by whom the property was obtained

(i) is not indicted with them, or

(ii) is not in custody or is not amenable to justice.

Conviction of one or more.

(2) Where, pursuant to subsection (1), two or more persons are charged in the same indictment with an offence referred to in that subsection, any one or more of those persons who separately committed the offence in respect of the property or any part of it may be convicted.

501. Sections 856 (in part), 857 and 858.

502. Section 849 (1) in part.

503. Sections 849 (1) in part, 849 (2) and 954.

Proceedings before Grand Jury.

Evidence under oath.

504. Every person who appears before a grand jury to give evidence in support of a bill of indictment shall be examined touching the matters in question upon oath to be administered by the foreman of the grand jury or by any member who acts on his behalf.

Endorsing bill of indictment.

505. The name of every witness who is examined, or whom it is intended to examine, shall be endorsed on the bill of indictment, and the foreman of the grand jury, or any member of the grand jury who acts on his behalf, shall write his initials against the name of each witness who is sworn and examined with respect to the bill of indictment.

Names of witnesses to be submitted to grand jury.

506. The name of every witness whom it is intended to examine on a bill of indictment shall be submitted to the grand jury by the prosecutor, and no other witnesses shall be examined by or before the grand jury unless the presiding judge otherwise orders in writing.

Proceedings when Person Indicted is at Large.

Bench warrant.

507. (1) Where an indictment has been found against a person who is at large, and that person does not appear or remain in attendance for his trial, the court before which the accused should have appeared or remained in attendance may, whether or not he is bound by recognizance to appear, issue a warrant for his arrest.

Execution.

(2) A warrant issued under subsection (1) may be in Form 15 and may be executed anywhere in Canada.

Change of Venue.

Application, how made.

508. (1) A court before which an accused is or may be indicted, at any term or sittings thereof, or a judge who may hold or sit in that court, may at any time before or after an indictment is found, upon the application of the prosecutor or the accused, order the trial to be held in a territorial division in the same province other than that in which the offence would otherwise be tried if

(a) it appears expedient to the ends of justice, or

(b) a competent authority has directed that a jury is not to be summoned at the time appointed in a territorial division where the trial would otherwise by law be held.

504. Sections 874 and 875.

505. Section 876.

506. Section 877.

507. Section 879.

508. Sections 695 (2), 884, 885 and 887.

Conditions as to expense.

(2) The court or judge may, in an order made upon an application by the prosecutor under subsection (1), prescribe conditions that he thinks proper with respect to the payment of additional expenses caused to the accused as a result of the change of venue.

Transmission of record.

(3) Where an order is made under subsection (1), the officer who has custody of the indictment, if any, and the writings and exhibits relating to the prosecution, shall transmit them forthwith to the clerk of the court before which the trial is ordered to be held, and all proceedings in the case shall be held or, if previously commenced, shall be continued in that court.

Idem.

(4) Where the writings and exhibits referred to in subsection (3) have not been returned to the court in which the trial was to be held at the time an order is made to change the place of trial, the person who obtains the order shall serve a true copy thereof upon the person in whose custody they are and that person shall thereupon transmit them to the clerk of the court before which the trial is to be held.

Order is authority to remove prisoner.

509. An order that is made under section 508 is sufficient warrant, justification and authority to all sheriffs, keepers of prisons and peace officers for the removal, disposal and reception of an accused in accordance with the terms of the order, and the sheriff may appoint and authorize any peace officer to convey the accused to a prison in the territorial division in which the trial is ordered to be held.

AMENDMENT.

Amending defective indictment or count.

510. (1) An objection to an indictment or to a count in an indictment for a defect apparent on the face thereof shall be taken by motion to quash the indictment or count before the accused has pleaded, and thereafter only by leave of the court or judge before whom the trial takes place, and a court or judge before whom an objection is taken under this section may, if it is considered necessary, order the indictment or count to be amended to cure the defect.

Amendment where variance.

(2) A court may, upon the trial of an indictment, amend the indictment or a count thereof or a particular that is furnished under section 497, to make the indictment, count or particular conform to the evidence, where there appears to be a variance between the evidence and

509. Section 886 (1).

510. Sections 845 (3), 847 (2), 889, 890, 893 and 898.

57325—23

(a) the charge in a count in the indictment as found; or

(b) the charge in a count in the indictment

(i) as amended, or

(ii) as it would have been if it had been amended in conformity with any particular that has been furnished pursuant to section 497.

(3) A court shall, upon the arraignment of an accused, or at any stage of the trial, amend the indictment or a count thereof as may be necessary where it appears

Indictment under wrong Act.

(a) that the indictment has been preferred

(i) under another Act of the Parliament of Canada instead of this Act, or

(ii) under this Act instead of another Act of the Parliament of Canada;

Amending defective statement.

(b) that the indictment or a count thereof

(i) fails to state or states defectively anything that is requisite to constitute the offence,

(ii) does not negative an exception that should be negatived,

Defect in substance.

(iii) is in any way defective in substance,

and the matters to be alleged in the proposed amendment are disclosed by the evidence taken on the preliminary inquiry or on the trial; or

Defect in form.

(c) that the indictment or a count thereof is in any way defective in form.

What to be considered.

(4) The court shall, in considering whether or not an amendment should be made, consider

(a) the matters disclosed by the evidence taken on the preliminary inquiry,

(b) the evidence taken on the trial, if any,

(c) the circumstances of the case,

(d) whether the accused has been misled or prejudiced in his defence by a variance, error or omission mentioned in subsection (2) or (3), and

(e) whether, having regard to the merits of the case, the proposed amendment can be made without injustice being done.

Adjournment if accused prejudiced.

(5) Where, in the opinion of the court, the accused has been misled or prejudiced in his defence by a variance, error or omission in an indictment or a count thereof, the court may, if it is of opinion that the misleading or prejudice may be removed by an adjournment, adjourn the trial and may make such an order with respect to the payment of costs resulting from the necessity for amendment as it considers desirable.

Question of law.

(6) The question whether an order to amend an indictment or a count thereof should be granted or refused is a question of law.

Endorsing indictment.

(7) An order to amend an indictment or a count thereof shall be endorsed on the indictment as part of the record and the trial shall proceed as if the indictment or count had been originally found as amended.

Mistakes not material.

(8) A mistake in the heading of an indictment shall be corrected as soon as it is discovered but, whether corrected or not, is not material.

Limitation.

(9) The authority of a court to amend indictments does not authorize the court to add to the overt acts stated in an indictment for treason or for an offence against any provision in sections 50 to 53.

Amended indictment need not be presented to grand jury.

511. Where a grand jury returns a true bill in respect of an indictment and the indictment is subsequently amended in accordance with section 510, it is not necessary to present the amended indictment to the grand jury, but the indictment, as amended, shall be deemed to be as valid in all respects for all purposes of the proceedings as if it had been returned by the grand jury in its amended form.

Inspection and Copies of Documents.

Right of accused.

512. An accused is entitled, after he has been committed for trial or at his trial,

To inspect.

(a) to inspect without charge the indictment, his own statement, the evidence and the exhibits, if any; and

To receive copies.

(b) to receive, on payment of a reasonable fee not to exceed ten cents per folio of one hundred words, a copy

(i) of the evidence,

(ii) of his own statement, if any, and

(iii) of the indictment,

but the trial shall not be postponed to enable the accused to secure copies unless the court is satisfied that the failure of the accused to secure them before the trial is not attributable to lack of diligence on the part of the accused.

Delivery of documents in case of treason, etc.

513. (1) An accused who is indicted for treason or for being an accessory after the fact to treason is entitled to receive, after the indictment has been found and at least ten days before his arraignment,

(a) a copy of the indictment,

(b) a list of the witnesses to be produced on the trial to prove the indictment, and

(c) a copy of the panel of jurors who are to try him, returned by the sheriff.

511. New.

512. Sections 691, 894, 895 and 896.

513. Section 897.

Details.

(2) The list of the witnesses and the copy of the panel of the jurors referred to in subsection (1) shall mention the names, occupations and places of abode of the witnesses and jurors respectively.

Witnesses to delivery.

(3) The writings referred to in subsection (1) shall be given to the accused at the same time and in the presence of at least two witnesses.

Exception.

(4) This section does not apply to the offence of treason by killing Her Majesty, or to the offence of treason where the overt act alleged is an attempt to injure the person of Her Majesty in any manner or to the offence of being an accessory after the fact in such a case of treason.

Release of exhibits for examination or test.

514. (1) A judge of a superior court of criminal jurisdiction or of a court of criminal jurisdiction may, on summary application on behalf of the accused or the prosecutor, after three days' notice to the accused or prosecutor, as the case may be, order the release of any exhibit for the purpose of a scientific or other test or examination, subject to such terms as appear to be necessary or desirable to ensure the safeguarding of the exhibit and its preservation for use at the trial.

Disobeying order.

(2) Every one who fails to comply with the terms of an order that is made under subsection (1) is guilty of contempt of court and may be dealt with summarily by the judge or magistrate who made the order or before whom the trial of the accused takes place.

Pleas.

Pleas permitted.

515. (1) An accused who is called upon to plead may plead guilty or not guilty, or the special pleas authorized by this Part and no others.

Refusal to plead.

(2) Where the accused refuses to plead or does not answer directly the court shall order the clerk of the court to enter a plea of not guilty.

Allowing time to plead.

(3) An accused is not entitled as of right to have his trial postponed but the court may, if it considers that the accused should be allowed further time to plead, move to quash, or prepare for his defence or for any other reason, adjourn the trial to a later time in the session or sittings of the court, or to the next or any subsequent session or sittings of the court, upon such terms as the court considers proper.

514. Section 695 (3) and (4).

515. Sections 900 and 901 (1) and (2).

Special pleas.

516. (1) An accused may plead the special pleas of

(a) *autrefois acquit*,

(b) *autrefois convict*, and

(c) pardon.

In case of libel.

(2) An accused who is charged with defamatory libel may plead in accordance with sections 520 and 521.

Disposal.

(3) The pleas of *autrefois acquit*, *autrefois convict* and pardon shall be disposed of by the judge without a jury before the accused is called upon to plead further.

Pleading over.

(4) When the pleas referred to in subsection (3) are disposed of against the accused he may plead guilty or not guilty.

Statement sufficient.

(5) Where an accused pleads *autrefois acquit* or *autrefois convict* it is sufficient if he

(a) states that he has been lawfully acquitted or convicted, as the case may be, of the offence charged in the count to which the plea relates, and

(b) indicates the time and place of the acquittal or conviction.

Evidence of identity of charges.

517. Where an issue on a plea of *autrefois acquit* or *autrefois convict* is tried, the evidence and adjudication and the notes of the judge and official stenographer on the former trial and the record transmitted to the court pursuant to section 462 on the charge that is pending before that court, are admissible in evidence to prove or to disprove the identity of the charges.

What determines identity.

518. (1) Where an issue on a plea of *autrefois acquit* or *autrefois convict* to a count is tried and it appears

(a) that the matter on which the accused was given in charge on the former trial is the same in whole or in part as that on which it is proposed to give him in charge, and

(b) that on the former trial, if all proper amendments had been made that might then have been made, he might have been convicted of all the offences of which he may be convicted on the count to which the plea of *autrefois acquit* or *autrefois convict* is pleaded,

the judge shall give judgment discharging the accused in respect of that count.

Allowance of special plea in part.

(2) The following provisions apply where an issue on a plea of *autrefois acquit* or *autrefois convict* is tried, namely,

(a) where it appears that the accused might on the former trial have been convicted of an offence of which he may be convicted on the count in issue, the judge shall direct that the accused shall not be found guilty of any offence of which he might have been convicted on the former trial, and

516. Sections 905 (1) and 906.

517. Section 908.

518. Section 907.

(b) where it appears that the accused may be convicted on the count in issue of an offence of which he could not have been convicted on the former trial, the accused shall plead guilty or not guilty with respect to that offence.

Circumstances of aggravation.

519. (1) Where an indictment charges substantially the same offence as that charged in an indictment on which an accused was previously convicted or acquitted, but adds a statement of intention or circumstances of aggravation tending, if proved, to increase the punishment, the previous conviction or acquittal bars the subsequent indictment.

Effect of previous charge of murder or manslaughter.

(2) A conviction or acquittal on an indictment for murder bars a subsequent indictment for the same homicide charging it as manslaughter or infanticide, and a conviction or acquittal on an indictment for manslaughter or infanticide bars a subsequent indictment for the same homicide charging it as murder.

Effect of previous charge of infanticide or manslaughter.

(3) A conviction or acquittal on an indictment for infanticide bars a subsequent indictment for the same homicide charging it as manslaughter, and a conviction or acquittal on an indictment for manslaughter bars a subsequent indictment for the same homicide charging it as infanticide.

Libel, plea of justification.

520. (1) An accused who is charged with publishing a defamatory libel may plead that the defamatory matter published by him was true, and that it was for the public benefit that the matter should have been published in the manner in which and at the time when it was published.

Where more than one sense alleged.

(2) A plea that is made under subsection (1) may justify the defamatory matter in any sense in which it is specified in the count, or in the sense that the defamatory matter bears without being specified, or separate pleas justifying the defamatory matter in each sense may be pleaded separately to each count as if two libels had been charged in separate counts.

Plea in writing.

(3) A plea that is made under subsection (1) shall be in writing, and shall set out the particular facts by reason of which it is alleged to have been for the public good that the matter should have been published.

Reply

(4) The prosecutor may in his reply deny generally the truth of a plea that is made under this section.

Plea of justification necessary to try truth.

521. (1) The truth of the matters charged in an alleged libel shall not be inquired into in the absence of a plea of justification under section 520 unless the accused is charged with publishing the libel knowing it to be false, in which case evidence of the truth may be given to negative the allegation that the accused knew that the libel was false.

519. Section 909.

520. Section 910.

521. Section 911.

Not guilty, in addition.

(2) The accused may, in addition to a plea that is made under section 520, plead not guilty and the pleas shall be inquired into together.

Effect of plea on punishment.

(3) Where a plea of justification is pleaded and the accused is convicted, the court may, in pronouncing sentence, consider whether the guilt of the accused is aggravated or mitigated by the plea.

Plea of not guilty.

522. Any ground of defence for which a special plea is not provided by this Act may be relied upon under the plea of not guilty.

Defence of Insanity.

Insanity of accused when offence committed.

523. (1) Where, upon the trial of an accused who is charged with an indictable offence, evidence is given that the accused was insane at the time the offence was committed and the accused is acquitted,

(a) the jury, or

(b) the judge or magistrate, where there is no jury,

Special finding.

shall find whether the accused was insane at the time the offence was committed and shall declare whether he is acquitted on account of insanity.

Custody after finding.

(2) Where the accused is found to have been insane at the time the offence was committed, the court, judge or magistrate before whom the trial is held shall order that he be kept in strict custody in the place and in the manner that the court, judge or magistrate directs, until the pleasure of the Lieutenant-Governor of the province is known.

Insanity at time of trial.

524. (1) A court, judge or magistrate may, at any time before verdict, where it appears that there is sufficient reason to doubt that the accused is, on account of insanity, capable of conducting his defence, direct that an issue be tried whether the accused is then, on account of insanity, unfit to stand his trial.

Trial of issue.

(2) For the purposes of subsection (1), the following provisions apply, namely,

(a) where the accused is to be tried by a court composed of a judge and jury,

(i) if the issue is directed before the accused is given in charge to a jury for trial on the indictment, it shall be tried by twelve jurors, or in the Province of Alberta, by six jurors, and

(ii) if the issue is directed after the accused has been given in charge to a jury for trial on the indictment, the jury shall be sworn to try that issue in addition to the issue on which they are already sworn; and

(b) where the accused is to be tried by a judge or magistrate, he shall try the issue and render a verdict.

If sane, trial proceeds.

(3) Where the verdict is that the accused is not unfit on account of insanity to stand his trial, the arraignment or the trial shall proceed as if no such issue had been directed.

522. Section 905 (2).

523. Section 966.

524. Section 967.

If insane, order for custody.

(4) Where the verdict is that the accused is unfit on account of insanity to stand his trial, the court, judge or magistrate shall order that the accused be kept in custody until the pleasure of the Lieutenant-Governor of the province is known, and any plea that has been pleaded shall be set aside and the jury shall be discharged.

Subsequent trial.

(5) No proceeding pursuant to this section shall prevent the accused from being tried subsequently on the indictment.

Insanity of accused to be discharged for want of prosecution.

525. Where an accused who is charged with an indictable offence is brought before a court, judge or magistrate to be discharged for want of prosecution and the accused appears to be insane, the court, judge or magistrate shall proceed in accordance with section 524 in so far as that section may be applied.

Custody of insane persons.

526. Where an accused is, pursuant to this Part, found to be insane, the Lieutenant-Governor of the province may make an order for the safe custody of the accused in the place and in the manner that he may direct.

Prisoner mentally ill.

527. (1) The Lieutenant-Governor of a province may, upon evidence satisfactory to him that a person who is insane, mentally ill, mentally deficient or feeble-minded is in custody in a prison in that province, order that the person be removed to a place of safe-keeping to be named in the order.

Custody in safe-keeping.

(2) A person who is removed to a place of safe-keeping under an order made pursuant to subsection (1) shall, subject to subsections (3) and (4), be kept in that place or in any other place of safe-keeping in which, from time to time, he may be ordered by the Lieutenant-Governor to be kept.

Order for imprisonment or discharge.

(3) Where the Lieutenant-Governor is satisfied that a person to whom subsection (2) applies has recovered, he may order that the person

(a) be returned to the prison from which he was removed pursuant to subsection (1), if he is liable to further custody in prison, or

(b) be discharged, if he is not liable to further custody in prison.

Order for transfer to custody of Minister of Health.

(4) Where the Lieutenant-Governor is satisfied that a person to whom subsection (2) applies has partially recovered, he may, where the person is not liable to further custody in prison, order that the person shall be subject to the direction of the Minister of Health for the province, or such other person as the Lieutenant-Governor may designate, and the Minister of Health or other person designated may make any order or direction in respect of the custody and care of the person that he considers proper.

"Prison".

(5) In this section, "prison" means a prison other than a penitentiary, and includes a reformatory school or industrial school.

525. Section 968.

526. Section 969.

527. Section 970.

Corporations.

Appearance by attorney.

528. Every corporation against which an indictment is found shall appear and plead by counsel or agent.

Notice to corporation.

529. (1) The clerk of the court shall, where an indictment is found against a corporation, cause a notice of the indictment to be served upon the corporation.

Contents of notice.

(2) A notice of an indictment referred to in subsection (1) shall set out the nature and purport of the indictment and advise that, unless the corporation appears and pleads within seven days after service of the notice, a plea of not guilty will be entered for the accused by the court, and that the trial of the indictment will be proceeded with as though the corporation had appeared and pleaded.

How served.

(3) Where a corporation to which this section applies

(a) is a municipal corporation, the notice shall be served by delivering it to the mayor, treasurer or clerk of the corporation, or

(b) is a corporation other than a municipal corporation, the notice shall be served by delivering it to the manager, secretary or other executive officer of the corporation or of a branch thereof.

Procedure on default of appearance.

530. Where a corporation does not appear in the court in which an indictment is found and plead within the time specified in the notice referred to in section 529, the presiding judge may, on proof by affidavit of service of the notice, order the clerk of the court to enter a plea of not guilty on behalf of the corporation, and the plea has the same force and effect as if the corporation had appeared by its counsel or agent and pleaded that plea.

Trial of corporation.

531. Where the corporation appears and pleads to the indictment or a plea of not guilty is entered by order of the court pursuant to section 530, the court shall proceed with the trial of the indictment and, where the corporation is convicted, section 623 applies.

Record of Proceedings.

How recorded.

532. (1) It is sufficient, in making up the record of a conviction or acquittal on an indictment, to copy the indictment and the plea that was pleaded, without a formal caption or heading.

528. Section 916.

529. Section 918.

530. Section 919.

531. Section 920.

532. Section 914.

57325—24

Record of proceedings.

(2) The court shall keep a record of every arraignment and of proceedings subsequent to arraignment.

Form of record in case of amendment.

533. Where it is necessary to draw up a formal record in proceedings in which the indictment has been amended, the record shall be drawn up in the form in which the indictment remained after the amendment, without reference to the fact that the indictment was amended.

Juries.

Qualification of juror.

534. (1) A person who is qualified and summoned as a grand or petit juror according to the laws in force for the time being in a province is qualified to serve as a grand or petit juror, as the case may be, in criminal proceedings in that province.

Seven may find bill.

(2) Where the panel of grand jurors is not more than thirteen, seven grand jurors may find a true bill.

Mixed Juries.

Mixed juries in Quebec.

535. (1) In those districts in the province of Quebec in which the sheriff is required by law to return a panel of petit jurors composed one-half of persons who speak the English language and one-half of persons who speak the French language, he shall in his return specify in separate lists those jurors whom he returns as speaking the English language and those whom he returns as speaking the French language, and the names of the jurors summoned shall be called alternately from those lists.

Motion by accused.

(2) In any district referred to in subsection (1) the accused may, upon arraignment, move that he be tried by a jury composed entirely of jurors who speak the language of the accused if that language is English or French.

Order for panel.

(3) Where a motion is made under subsection (2), the judge may order the sheriff to summon a sufficient panel of jurors who speak the language of the accused unless, in his discretion, it appears that the ends of justice are better served by empanelling a mixed jury.

533. Section 915.

534. Section 921.

535. Section 923.

Mixed juries in Manitoba.

536. (1) Where an accused who is arraigned before the Court of Queen's Bench for Manitoba demands a jury composed at least half of persons who speak the language of the accused, if that language is either English or French, he shall be tried by a jury composed at least one-half of the persons whose names stand first in succession upon the general panel and who, not being lawfully challenged, are found, in the judgment of the court, to speak the language of the accused.

When panel exhausted.

(2) Where, as a result of challenges or any other cause there is, in proceedings to which this section applies, a deficiency of persons who speak the language of the accused, the court shall fix another time for the trial, and the sheriff shall remedy the deficiency by summoning, for the time so fixed, the additional number of jurors who speak the language of the accused that the court orders and whose names appear next in succession on the list of petit jurors.

Challenging the Array.

Objection to constitution of grand jury.

537. Where an objection is taken to the constitution of a grand jury it shall be taken by motion to the court, but an indictment shall be quashed pursuant thereto only if the judge is of opinion that

(a) the objection is well founded, and

(b) the accused has suffered or may suffer prejudice in the circumstances of which he complains.

Challenging the array.

538. (1) The accused or the prosecutor may challenge the array of petit jurors only on the ground of partiality, fraud or wilful misconduct on the part of the sheriff or his deputies by whom the panel was returned.

In writing.

(2) A challenge under subsection (1) shall be in writing and shall state that the person who returned the panel was partial or fraudulent or that he wilfully misconducted himself, as the case may be.

Form.

(3) A challenge under this section may be in Form 36.

Trying ground of challenge.

539. Where a challenge is made under section 538, the judge shall determine whether the alleged ground of challenge is true or not, and where he is satisfied that the alleged ground of challenge is true he shall direct a new panel to be returned.

536. Section 924.

537. Section 899 (2).

538. Section 925.

539. Section 926.

EMPANELLING JURY.

Names of jurors on cards.

540. (1) The name of each juror on a panel of petit jurors that has been returned, his number on the panel and the place of his abode, shall be written on a separate card, and all the cards shall, as far as possible, be of equal size.

To be placed in box.

(2) The sheriff or other officer who returns the panel shall deliver the cards referred to in subsection (1) to the clerk of the court who shall cause them to be placed together in a box to be provided for the purpose and to be shaken together.

To be drawn by clerk of court.

(3) Where

(a) the array is not challenged, or

(b) the array is challenged but the judge does not direct a new panel to be returned,

the clerk of the court shall, in open court, draw out the cards referred to in subsection (2) one after another, and shall call out the name and number upon each card as it is drawn, until the number of persons who have answered to their names is, in the opinion of the judge, sufficient to provide a full jury after allowing for challenges and directions to stand by.

Juror to be sworn.

(4) The clerk of the court shall swear each member of the jury in the order in which the names of the jurors were drawn.

Drawing additional names if necessary.

(5) Where the number of persons who answer to their names is not sufficient to provide a full jury, the clerk of the court shall proceed in accordance with subsections (3) and (4) until twelve jurors are sworn.

Challenges by accused in Alberta and Territories.

541. Notwithstanding anything in this Act, six jurors shall be sworn in the Province of Alberta and in the Yukon Territory and the Northwest Territories, and in that province and those Territories the accused is entitled to half the number of challenges provided for in section 542, and the prosecutor may not direct more than twenty-four jurors to stand by unless the presiding judge, for special cause to be shown, so orders.

Peremptory challenges by accused. Twenty in certain cases.

542. (1) An accused who is charged with an offence punishable with death is entitled to challenge twenty jurors peremptorily.

Twelve in certain cases.

(2) An accused who is charged with an offence other than an offence punishable with death, for which he may be sentenced to imprisonment for more than five years, is entitled to challenge twelve jurors peremptorily.

Four in other cases.

(3) An accused who is charged with an offence that is not referred to in subsection (1) or (2) is entitled to challenge four jurors peremptorily.

540. Section 927.

541. Sections 933A and 927 (6).

542. Section 932.

Challenge by prosecutor.

543. (1) The prosecutor is entitled to challenge four jurors peremptorily, and may direct any number of jurors who are not challenged peremptorily by the accused to stand by until all the jurors have been called who are available for the purpose of trying the indictment.

Direction to stand by.

Limitation.

(2) Notwithstanding subsection (1), the prosecutor may not direct more than forty-eight jurors to stand by unless the presiding judge, for special cause to be shown, so orders.

Accused to challenge first if required.

(3) The accused may be called upon to declare whether he challenges a juror peremptorily or for cause before the prosecutor is called upon to declare whether he requires the juror to stand by, or challenges him peremptorily or for cause.

Peremptory challenges in case of mixed jury.

544. Where an accused who is charged with an offence for which he is entitled to twenty or twelve peremptory challenges in accordance with this Part is to be tried pursuant to section 535 or 536 by a jury composed one-half of persons who speak the language of the accused, he is entitled to exercise one-half of those challenges in respect of the jurors who speak English and one-half in respect of the jurors who speak French.

Challenges where tried jointly.

545. Where two or more accused persons are jointly charged in an indictment and it is proposed to try them together each may make his challenges in the same manner as if he were to be tried alone.

Standing by in libel cases.

546. A prosecutor other than the Attorney General or counsel acting on his behalf is not entitled, on the trial of an indictment for the publication of a defamatory libel, to direct a juror to stand by.

Challenge for cause.

547. (1) A prosecutor or an accused is entitled to any number of challenges on the ground that

(a) the name of a juror does not appear on the panel, but no misnomer or misdescription is a ground of challenge where it appears to the court that the description given on the panel sufficiently designates the person referred to,

(b) a juror is not indifferent between the Queen and the accused,

(c) a juror has been convicted of an offence for which he was sentenced to death or to a term of imprisonment exceeding twelve months,

543. Section 933.

544. Section 937.

545. Section 938.

546. Section 934.

547. Section 935.

(d) a juror is an alien, or

(e) a juror is physically unable to perform properly the duties of a juror.

No other ground.

(2) No challenge for cause shall be allowed on a ground not mentioned in subsection (1).

Challenge in writing.

548. (1) Where a challenge is made on a ground mentioned in section 547, the court may, in its discretion, require the party that challenges to put the challenge in writing.

Form.

(2) A challenge may be in Form 37.

Denial.

(3) A challenge may be denied by the other party to the proceedings on the ground that it is not true.

Objection that name not on panel.

549. (1) Where the ground of a challenge is that the name of a juror does not appear on the panel, the issue shall be tried by the judge on the *voir dire* by the inspection of the panel, and such other evidence that the judge thinks fit to receive.

Other grounds.

(2) Where the ground of a challenge is one not mentioned in subsection (1), the two jurors who were last sworn, or if no jurors have then been sworn, two persons present whom the court may appoint for the purpose, shall be sworn to determine whether the ground of challenge is true.

If challenge not sustained. If challenge sustained.

(3) Where the finding, pursuant to subsection (1) or (2) is that the ground of challenge is not true, the juror shall be sworn, but if the finding is that the ground of challenge is true, the juror shall not be sworn.

Disagreement of triers.

(4) Where, after what the court considers to be a reasonable time, the two persons who are sworn pursuant to subsection (2) are unable to agree, the court may discharge them from giving a verdict and may direct two other persons to be sworn to determine whether the ground of challenge is true.

Calling jurors who have stood by.

550. (1) Where, as a result of challenges and directions to stand by, a full jury has not been sworn and no names remain to be called, the names of those who have been directed to stand by shall be called again in the order in which their names were drawn and they shall be sworn, unless challenged by the accused, or unless the prosecutor challenges them or shows cause why they should not be sworn.

Other jurors becoming available.

(2) Where, before a juror is sworn pursuant to subsection (1), other jurors in the panel become available, the prosecutor may require the names of those jurors to be put into and drawn from the box in accordance with section 540, and those jurors shall be challenged, ordered to stand by or sworn, as the case may be, before the names of the jurors who where originally ordered to stand by are called again.

548. Section 936.

549. Sections 930 and 931.

550. Section 928.

Panel exhausted, summoning other jurors.

551. (1) Where a full jury cannot be provided notwithstanding that the relevant provisions of this Part have been complied with, the court may, at the request of the prosecutor, order the sheriff or other proper officer forthwith to summon as many persons, whether qualified jurors or not, as the court directs for the purpose of providing a full jury.

Orally.

(2) Jurors may be summoned under subsection (1) by word of mouth, if necessary.

Adding names to panel.

(3) The names of the persons who are summoned under this section shall be added to the general panel for the purposes of the trial, and the same proceedings shall be taken with respect to calling and challenging those persons and directing them to stand by as are provided in this Part with respect to the persons named in the original panel.

Who shall be jury.

552. (1) The twelve jurors, or in the province of Alberta, the Yukon Territory and the Northwest Territories the six jurors, whose names are drawn and who are sworn in accordance with this Part, shall be the jury to try the issues of the indictment, and the names of the jurors so drawn and sworn shall be kept apart until the jury gives its verdict or until it is discharged, whereupon the names shall be returned to the box as often as occasion arises, as long as an issue remains to be tried before a jury.

Returning names to box.

Same jury may try another issue by consent.

(2) The court may try an issue with the same jury in whole or in part that previously tried or was drawn to try another issue, without the jurors being sworn again, but if the prosecutor or the accused objects to any of the jurors or the court excuses any of the jurors, the court shall order those persons to withdraw and shall direct that the required number of names to make up a full jury be drawn and, subject to the provisions of this Part relating to challenges and directions to stand by, the persons whose names are drawn shall be sworn.

Sections directory.

(3) No omission to follow the directions of this section or section 540 or 550 affects the validity of a proceeding.

Juror unable to continue.

553. (1) Where in the course of a trial a member of the jury is, in the opinion of the judge, by reason of illness or some other cause, unable to continue to act, the judge may discharge him.

Trial may continue.

(2) Where in the course of a trial a member of the jury dies or is discharged pursuant to subsection (1), the jury shall, if the prosecutor and the accused consent in writing and if the number of jurors is not reduced below ten, or in the province of Alberta, the Yukon Territory and the Northwest Territories below five, be deemed to remain properly constituted for all purposes of the trial and the trial shall proceed and a verdict may be given accordingly.

551. Section 939.

552. Section 929.

553. Section 929A.

Continuous trial.

554. (1) The trial of an accused shall proceed continuously subject to adjournment by the court.

Adjournment.

(2) The judge may adjourn the trial from time to time in the same sittings.

Formal adjournment unnecessary.

(3) No formal adjournment of trial or entry thereof is required.

Questions reserved for decision.

(4) The judge may reserve his final decision on any question raised at the trial, and his decision, when given, shall be deemed to have been given at the trial.

Taking evidence.

555. On the trial of an accused for an indictable offence the evidence of the witnesses for the prosecutor and the accused shall be taken by a stenographer in accordance with the provisions of Part XV relating to the taking of evidence by stenographers at preliminary inquiries.

Separation of jurors except in capital cases.

556. (1) The judge may, at any time before the jury retires to consider its verdict, permit the members of the jury to separate, but this subsection does not apply where an accused is liable, upon conviction, to be sentenced to death.

Keeping in charge.

(2) Where permission to separate cannot be given or is not given the jury shall be kept under the charge of an officer of the court as the judge directs, and that officer shall prevent the jurors from communicating with anyone without leave of the judge.

Saving.

(3) Failure to comply with subsection (2) does not affect the validity of the proceedings.

Empanelling new jury in certain cases.

(4) Where the fact that there has been a failure to comply with this section is discovered before the verdict of the jury is returned the judge may, if he considers that the failure to comply might lead to a miscarriage of justice, discharge the jury and

(a) direct that the accused be tried with a new jury during the same session or sittings of the court, or

(b) postpone the trial on such terms as justice may require.

Refreshment and accommodation.

(5) The judge shall direct the sheriff to provide the jurors who are sworn with suitable and sufficient refreshment, food and lodging while they are together until they have given their verdict.

Accused to be present.

557. (1) Subject to subsection (2), an accused other than a corporation shall be present in court during the whole of his trial.

Exceptions.

(2) The court may

(a) cause the accused to be removed and to be kept out of court, where he misconducts himself by interrupting

554. Sections 945 (1), (2) and (6) and 579.

555. New.

556. Sections 945 (3), (4) and (5), 946 and 959.

557. Sections 942 and 943.

the proceedings so that to continue the proceedings in his presence would not be feasible, or

(b) permit the accused to be out of court during the whole or any part of his trial on such conditions as the court considers proper.

To make defence.

(3) An accused is entitled, after the close of the case for the prosecution, to make full answer and defence personally or by counsel.

Summing up by prosecutor.

558. (1) Where an accused, or any one of several accused being tried together, is defended by counsel, the counsel shall, at the end of the case for the prosecution, declare whether or not he intends to adduce evidence on behalf of the accused for whom he appears and if he does not announce his intention to adduce evidence, the prosecutor may address the jury by way of summing up.

Summing up by accused.

(2) Counsel for the accused or the accused, where he is not defended by counsel, is entitled, if he thinks fit, to open the case for the defence, and after the conclusion of that opening to examine such witnesses as he thinks fit, and when all the evidence is concluded to sum up the evidence.

Accused's right of reply.

(3) Where no witnesses are examined for an accused, he or his counsel is entitled to address the jury last, but otherwise counsel for the prosecution is entitled to address the jury last.

Prosecutor's right to reply.

(4) Notwithstanding subsection (3) the prosecutor is entitled to reply.

Prosecutor's right of reply where more than one accused.

(5) Where two or more accused are tried jointly and witnesses are examined for any of them, all the accused or their respective counsel are required to address the jury before it is addressed by the prosecutor.

View.

559. (1) The judge may, where it appears to be in the interests of justice, at any time after the jury has been sworn and before they give their verdict, direct the jury to have a view of any place, thing or person, and shall give directions as to the manner in which, and the persons by whom, the place, thing or person shall be shown to the jury, and may for that purpose adjourn the trial.

Directions to prevent communication.

(2) Where a view is ordered under subsection (1), the judge shall give any directions that he considers necessary for the purpose of preventing undue communication by any person with members of the jury, but failure to comply with any directions given under this subsection does not affect the validity of the proceedings.

Who shall attend.

(3) Where a view is ordered under subsection (1) the accused and the judge shall attend.

558. Section 944.

(5) New.

559. Section 958.

Disagreement of jury.

560. (1) Where the judge is satisfied that the jury is unable to agree upon its verdict and that further detention of the jury would be useless, he may in his discretion discharge that jury and direct a new jury to be empanelled during the sittings of the court, or may adjourn the trial on such terms as justice may require.

Discretion not reviewable.

(2) A discretion that is exercised under subsection (1) by a judge is not reviewable.

Proceeding on Sunday, etc., not invalid.

561. The taking of the verdict of a jury is not invalid by reason only that it is done on Sunday or on a holiday.

Evidence on Trial.

Admissions at trial.

562. Where an accused is on trial for an indictable offence he or his counsel may admit any fact alleged against him for the purpose of dispensing with proof thereof.

Evidence of stealing ores or minerals.

563. In any proceeding in respect of theft of ores or minerals, the possession, contrary to any law in that behalf, of smelted gold or silver, gold-bearing quartz, or unsmelted or unmanufactured gold or silver, by an operator, workman or labourer actively engaged in or on a mine, is *prima facie* evidence that the gold, silver or quartz was stolen by him.

Use in evidence of statement by accused.

564. A statement made by an accused under subsection (2) of section 454 and purporting to be signed by the justice before whom it was made may be given in evidence against the accused at his trial without proof of the signature of the justice, unless it is proved that the justice by whom the statement purports to be signed did not sign it.

Children and Young Persons.

Proof of age.

565. (1) In any proceedings to which this Act applies an entry or record of an incorporated society or its officers who have had the control or care of a child or young person at or about the time the child or young person was brought to Canada is *prima facie* evidence of the age of the child or young person if the entry or record was made before the time when the offence is alleged to have been committed.

Inference from appearance.

(2) In the absence of other evidence, or by way of corroboration of other evidence, a jury, judge, justice or magistrate, as the case may be, may infer the age of a child or young person from his appearance.

560. Section 960.

561. Section 961.

562. Section 978.

563. Section 988.

564. Section 1001.

565. Section 984.

CORROBORATION.

Unsworn evidence of child.

566. No person shall be convicted of an offence upon the unsworn evidence of a child unless the evidence of the child is corroborated in a material particular by evidence that implicates the accused.

VERDICTS.

Full offence charged, attempt proved.

567. Where the complete commission of an offence charged is not proved but the evidence establishes an attempt to commit the offence, the accused may be convicted of the attempt.

Attempt charged, full offence proved.

568. (1) Where an attempt to commit an offence is charged but the evidence establishes the commission of the complete offence, the accused is not entitled to be acquitted, but the jury may convict him of the attempt unless the judge presiding at the trial, in his discretion, discharges the jury from giving a verdict and directs that the accused be indicted for the complete offence.

Conviction a bar.

(2) An accused who is convicted under this section is not liable to be tried again for the offence that he was charged with attempting to commit.

Offence charged, part only proved.

569. (1) A count in an indictment is divisible and where the commission of the offence charged, as described in the enactment creating it or as charged in the count, includes the commission of another offence, whether punishable by indictment or on summary conviction, the accused may be convicted

(a) of an offence so included that is proved, notwithstanding that the whole offence that is charged is not proved, or

(b) of an attempt to commit an offence so included.

Conviction for infanticide or manslaughter on charge of murder.

(2) Subject to subsection (3), where a count charges murder and the evidence proves manslaughter or infanticide but does not prove murder, the jury may find the accused not guilty of murder but guilty of manslaughter or infanticide, but shall not on that count find the accused guilty of any other offence.

Conviction for concealing body of child where murder or infanticide charged.

(3) Where a count charges the murder of a child or infanticide and the evidence proves the commission of an offence under section 215 but does not prove murder or infanticide, the jury may find the accused not guilty of murder or infanticide, as the case may be, but guilty of an offence under section 215.

566. Section 1003 (2).

567. Section 949.

568. Section 950.

569. Sections 951 (1) and (2) and 952.

No acquittal unless act or omission not wilful.

(4) Where a female person is charged with infanticide and the evidence establishes that she caused the death of her child but does not establish that, at the time of the act or omission by which she caused the death of the child,

(a) she was not fully recovered from the effects of giving birth to the child or from the effect of lactation consequent on the birth of the child, and

(b) the balance of her mind was, at that time, disturbed by reason of the effect of giving birth to the child or of the effect of lactation consequent on the birth of the child,

she may be convicted unless the evidence establishes that the act or omission was not wilful.

Theft charged, false pretences proved.

570. (1) Where an accused is charged with theft of anything, and it is established that he obtained it by false pretences, he may be convicted of obtaining by false pretences.

False pretences charged, theft proved.

(2) Where an accused is charged with obtaining anything by false pretences, and it is established that he stole it, he may be convicted of theft.

Previous Convictions.

No reference to previous conviction.

571. No indictment in respect of an offence for which, by reason of previous convictions, a greater punishment may be imposed shall contain any reference to previous convictions.

Previous conviction.

572. (1) Where an accused is convicted of an offence for which a greater punishment may be imposed by reason of previous convictions, no greater punishment shall be imposed upon him by reason thereof unless the prosecutor satisfies the court that the accused, before making his plea, was notified that a greater punishment would be sought by reason thereof.

Procedure where previous conviction alleged.

(2) Where an accused is convicted of an offence for which a greater punishment may be imposed by reason of previous convictions, the court shall, upon application by the prosecutor and upon being satisfied that the accused was notified in accordance with subsection (1), ask the accused whether he was previously convicted and, if he does not admit that he was previously convicted, evidence of previous convictions may be adduced.

Where hearing *ex parte*.

(3) Where, pursuant to section 531, the court proceeds with the trial of an accused corporation that has not appeared and pleaded to an indictment, the court may, if the accused

570. New.

571. New.

572. Sections 851 and 963 and new in part.

is convicted, make inquiries with respect to previous convictions whether or not the accused was notified that a greater punishment would be sought by reason thereof.

Evidence of character.

573. Where, at a trial, the accused adduces evidence of his good character the prosecutor may, in answer thereto, before a verdict is returned, adduce evidence of the previous conviction of the accused for any offences, including any previous conviction by reason of which a greater punishment may be imposed.

Proof of previous conviction.

574. In any proceedings,

(a) a certificate setting out with reasonable particularity the conviction of an accused for an indictable offence, purporting to be signed by the person who made the conviction or by the clerk of the court, or

(b) a copy of the summary conviction of an accused, purporting to be signed by the person who made the conviction or by the clerk of the court to which it was returned,

is, upon proof of the identity of the accused, *prima facie* evidence of the conviction of the accused without proof of the signature or official character of the person by whom it purports to be signed.

Sentence.

Accused found guilty may speak to sentence.

Saving.

575. Where a jury finds an accused guilty, or where an accused pleads guilty, the judge who presides at the trial shall ask the accused whether he has anything to say before sentence is passed upon him, but an omission to comply with this section does not affect the validity of the proceedings.

Sentence justified by any count.

576. Where one sentence is passed upon a verdict of guilty on two or more counts of an indictment, the sentence is good if any of the counts would have justified the sentence.

Woman sentenced to death while pregnant.

Inquiry as to pregnancy.

577. (1) A female person who is sentenced to death may move in arrest of execution on the ground that she is pregnant.

(2) Where a motion is made under subsection (1), the court shall direct one or more registered medical practitioners to be sworn to examine the female person together or successively and to determine whether or not she is pregnant.

Arresting execution.

(3) Where, from the report of a medical practitioner sworn under subsection (2), it appears to the court that a female person to whom this section applies is pregnant,

573. Section 964.

574. Section 982.

575. Section 1004.

576. Section 1005.

577. Sections 1008 and 1009.

execution shall be arrested until she is delivered of the child or until it is no longer possible in the course of nature that she should be so delivered.

Formal Defects in Jury Process.

Judgment not to be stayed on certain grounds.

578. Judgment shall not be stayed or reversed after verdict upon an indictment

(a) by reason of any irregularity in the summoning or empanelling of the jury, or

(b) because a person who served upon the jury was not returned as a juror by a sheriff or other officer.

Directions as to jury or jurors directory.

579. No omission to observe the directions contained in any Act with respect to the qualification, selection, balloting or distribution of jurors, the preparation of the jurors' book, the selecting of jury lists, or the drafting of panels from the jury lists, is a ground for impeaching or quashing a verdict rendered in criminal proceedings.

Saving powers of court.

580. Nothing in this Act alters, abridges or affects any power or authority that a court or judge had immediately before the coming into force of this Act, or any practice or form that existed immediately before the coming into force of this Act, with respect to trials by jury, jury process, juries or jurors, except where the power or authority, practice or form is expressly altered by or is inconsistent with this Act.

578. Section 1010.

579. Section 1011.

580. Section 965.

XVIII.

APPEALS—INDICTABLE OFFENCES.

581. In this Part,

"Court of Appeal." (*a*) "court of appeal" means the court of appeal, as defined by paragraph (9) of section 2, for the province or territory in which the trial of a person by indictment is held;

"Indictment." (*b*) "indictment" includes an information or charge in respect of which a person has been tried for an indictable offence under Part XVI;

"Registrar." (*c*) "registrar" means the registrar or clerk of the court of appeal;

"Sentence." (*d*) "sentence" includes an order made under section 628, 629 or 630 and a direction made under section 638; and

"Trial court." (*e*) "trial court" means the court by which an accused was tried and includes a judge or a magistrate acting under Part XVI.

Procedure abolished. **582.** No proceedings other than those authorized by this Part and Part XXIII shall be taken by way of appeal in proceedings in respect of indictable offences.

Right of appeal of person convicted. **583.** A person who is convicted by a trial court in proceedings by indictment may appeal to the court of appeal

(*a*) against his conviction

(i) on any ground of appeal that involves a question of law alone,

(ii) on any ground of appeal that involves a question of fact alone or a question of mixed law and fact, with leave of the court of appeal or upon the certificate of the trial judge that the case is a proper case for appeal, or

(iii) on any ground of appeal not mentioned in sub-paragraph (i) or (ii) that appears to the court of appeal to be a sufficient ground of appeal, with leave of the court of appeal; or

(*b*) against the sentence passed by the trial court, with leave of the court of appeal or a judge thereof unless that sentence is one fixed by law.

Right of Attorney General to appeal. **584.** (1) The Attorney General or counsel instructed by him for the purpose may appeal to the court of appeal

(*a*) against a judgment or verdict of acquittal of a trial court in proceedings by indictment on any ground of appeal that involves a question of law alone, or

581. Section 1012.

582. Section 1013 (3).

583. Section 1013 (1) and (2).

584. Section 1013 (2), (4) and (5).

(b) with leave of the court of appeal or a judge thereof, against the sentence passed by a trial court in proceedings by indictment, unless that sentence is one fixed by law.

Acquittal.

(2) For the purposes of this section a judgment or verdict of acquittal includes an acquittal in respect of a principal offence where the accused has been convicted of an offence included in the principal offence.

Specifying grounds of dissent.

585. Where an appeal is dismissed by the court of appeal and a judge of that court expresses an opinion dissenting from the judgment of the court, the formal judgment of the court shall specify any grounds in law upon which the dissent, in whole or in part, is based.

PROCEDURE ON APPEALS.

Notice of appeal.

586. (1) An appellant who proposes to appeal to the court of appeal or to obtain the leave of that court to appeal shall give notice of appeal or notice of his application for leave to appeal, in the manner and within the period after the time of the acquittal, conviction or sentence, as the case may be, as may be directed by rules of court.

Extension of time.

(2) The court of appeal or a judge thereof may at any time extend the time within which notice of appeal or notice of an application for leave to appeal may be given, but this subsection does not apply where a sentence of death has been imposed pursuant to a conviction.

Delay in execution of sentence of death or whipping.

(3) Where, pursuant to a conviction, a sentence of death or whipping has been imposed,

(a) the sentence shall not be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and

(b) an appeal or application for leave to appeal from the conviction or sentence shall be heard and determined as soon as practicable, and the sentence shall not be executed until after

(i) the determination of the application, where an application for leave to appeal is finally refused, or

(ii) the determination of the appeal.

Effect of certificate.

(4) The production of a certificate

(a) from the registrar that notice of appeal or notice of application for leave to appeal has been given, or

(b) from the Minister of Justice that he has exercised any of the powers conferred upon him by section 596,

is sufficient authority to suspend the execution of a sentence of death or whipping, as the case may be, and where, pursuant to such suspension, a new time is required to be fixed for execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge who might have held or sat in the same court.

585. Section 1013 (6).

586. Section 1018.

Bail.

587. The chief justice or the acting chief justice of the court of appeal or a judge of that court to be designated by the chief justice or acting chief justice may admit an appellant to bail pending the determination of his appeal.

Report by judge.

588. (1) Where, under this Part, an appeal is taken or an application for leave to appeal is made, the judge or magistrate who presided at the trial shall furnish to the court of appeal, in accordance with rules of court, a report giving his opinion upon the case or upon any matter relating thereto.

Transcript of evidence.

(2) A copy or transcript of

(a) the evidence taken at the trial,

(b) the charge to the jury, if any, and

(c) the reasons for judgment, if any,

shall be furnished by the appellant to the court of appeal, except in so far as it is dispensed with by order of a judge of that court.

Notes of proceedings.

(3) A copy of the charge to the jury, if any, and any objections that were made to it shall, before the copy or transcript is transmitted to the court of appeal pursuant to subsection (2), be submitted to the judge who presided at the trial, and if the judge refuses to certify that the charge and objections are accurately set out, he shall immediately certify to the court of appeal

(a) the reasons for his refusal, and

(b) the charge that was given to the jury, if any, and any objections that were made to it.

Copies for interested parties.

(4) A party to the appeal is entitled to receive, upon payment of any charges that are fixed by rules of court, a copy or transcript of any material that is prepared under subsections (2) and (3).

Copy for Minister of Justice.

(5) The Minister of Justice is entitled, upon request, to receive a copy or transcript of any material that is prepared under subsections (2) and (3).

Court may order.

589. (1) For the purposes of an appeal under this Part the court of appeal may, where it considers it necessary or expedient in the interests of justice,

Production of documents.

(a) order the production of any writing, exhibit, or other thing connected with the proceedings;

Attendance of witnesses.

(b) order any witness who would have been a compellable witness at the trial, whether or not he was called at the trial,

(i) to attend and be examined before the court of appeal, or

(ii) to be examined in the manner provided by rules of court before a judge of the court of appeal,

587. Section 1019.

588. Section 1020 (1) to (4).

589. Section 1021 (1) and (8).

or before any officer of the court of appeal or justice of the peace or other person appointed by the court of appeal for the purpose;

Admission of evidence.

(c) admit, as evidence, an examination that is taken under subparagraph (ii) of paragraph *(b)*;

Reception of evidence.

(d) receive the evidence, if tendered, of any witness, including the appellant, who is a competent but not compellable witness;

Reference to commissioner.

(e) order that any question arising on the appeal that

(i) involves prolonged examination of writings or accounts, or scientific or local investigation, and

(ii) cannot in the opinion of the court of appeal conveniently be inquired into before the court of appeal,

be referred for inquiry and report, in the manner provided by rules of court, to a special commissioner appointed by the court of appeal; and

Acceptance of report.

(f) act upon the report of a commissioner who is appointed under paragraph *(e)* in so far as the court of appeal thinks fit to do so.

Other powers.

(2) A court of appeal may exercise in relation to proceedings in the court any powers not mentioned in subsection (1) that may be exercised by the court on appeals in civil matters, and may issue any process that is necessary to enforce the orders or sentences of the court but no costs shall be allowed to the appellant or respondent on the hearing and determination of an appeal or on any proceedings preliminary or incidental thereto.

Execution of process.

(3) Any process that is issued by the court of appeal under this section may be executed anywhere in Canada.

Legal assistance for appellant.

590. A court of appeal or a judge of that court may, at any time, assign counsel to act on behalf of an accused who is a party to an appeal or to proceedings preliminary or incidental to an appeal where, in the opinion of the court or judge, it appears desirable in the interests of justice that the accused should have legal aid and where it appears that the accused has not sufficient means to obtain that aid.

Summary determination of frivolous appeals.

591. Where it appears to the registrar that a notice of an appeal against a conviction, which purports to be on a ground of appeal that involves a question of law alone, does not show a substantial ground of appeal, the registrar may refer the appeal to the court of appeal for summary determination, and, where an appeal is referred under this section, the court of appeal may, if it considers that the appeal is frivolous or vexatious and can be determined without being adjourned for a full hearing, dismiss the appeal summarily, without calling on any person to attend the hearing or to appear for the respondent on the hearing.

590. Section 1021 (4).

591. Section 1021 (10).

Powers of the Court of Appeal.

592. (1) On the hearing of an appeal against a conviction, the court of appeal

Allowance of appeal against conviction.

(a) may allow the appeal where it is of the opinion that

(i) the verdict should be set aside on the ground that it is unreasonable or cannot be supported by the evidence,

(ii) the judgment of the trial court should be set aside on the ground of a wrong decision on a question of law, or

(iii) on any ground there was a miscarriage of justice;

Dismissal.

(b) may dismiss the appeal where

(i) the court is of the opinion that the appellant, although he was not properly convicted on a count or part of the indictment, was properly convicted on another count or part of the indictment,

(ii) the court is of the opinion that the appellant could on the indictment have been found guilty of an offence other than that of which he was convicted, and that the court, judge or magistrate must have been satisfied of facts that proved the appellant guilty of that other offence,

(iii) the appeal is not decided in favour of the appellant on any ground mentioned in paragraph *(a)*, or

(iv) notwithstanding that the court is of the opinion that on any ground mentioned in paragraph *(a)* the appeal might be decided in favour of the appellant, it is of the opinion that no substantial wrong or miscarriage of justice has occurred;

Wrong conclusion on special verdict.

(c) may refuse to allow the appeal where it is of the opinion that the trial court arrived at a wrong conclusion as to the effect of a special verdict, and may order the conclusion to be recorded that appears to the court to be required by the verdict, and may pass a sentence that is warranted in law in substitution for the sentence passed by the trial court; or

Insanity.

(d) may quash a sentence and order the appellant to be kept in safe custody to await the pleasure of the Lieutenant-Governor where it is of the opinion that, although the appellant committed the act or made the omission charged against him, he was insane at the time the act was committed or the omission was made, so that he was not criminally responsible for his conduct.

592. Sections 1013 (5) in part, 1014 and 1016.

Order to be made.

(2) Where a court of appeal allows an appeal under paragraph *(a)* of subsection (1), it shall quash the conviction and

(a) direct a judgment or verdict of acquittal to be entered, or

(b) order a new trial.

Substituting verdict.

(3) Where a court of appeal dismisses an appeal under subparagraph (i) or (ii) of paragraph *(b)* of subsection (1), it may substitute the verdict that in its opinion should have been found and affirm the sentence passed by the trial court or impose a sentence that is warranted in law.

Appeal from acquittal.

(4) Where an appeal is from an acquittal the court of appeal may

Dismissal.

(a) dismiss the appeal; or

Allowance.

(b) allow the appeal, set aside the verdict and

(i) enter a verdict of guilty with respect to the offence of which, in its opinion, the accused should have been found guilty but for the error in law, and pass a sentence that is warranted in law, or

(ii) order a new trial.

New trial under Part XVI.

(5) Where an appeal is taken in respect of proceedings under Part XVI and the court of appeal orders a new trial under this Part, the new trial shall, without further election by the accused, be held before a judge or magistrate, as the case may be, acting under that part, other than the judge or magistrate who tried the accused in the first instance, unless the court of appeal directs that the new trial be held before the judge or magistrate who tried the accused in the first instance.

Additional powers.

(6) Where a court of appeal exercises any of the powers conferred by subsection (2) or (4) it may make any order, in addition, that justice requires.

Powers of court on appeal against sentence.

593. (1) Where an appeal is taken against sentence the court of appeal shall, unless the sentence is one fixed by law, consider the fitness of the sentence appealed against, and may upon such evidence, if any, as it thinks fit to require or to receive,

(a) vary the sentence within the limits prescribed by law for the offence of which the accused was convicted, or

(b) dismiss the appeal.

Effect of judgment.

(2) A judgment of a court of appeal that varies the sentence of an accused who was convicted has the same force and effect as if it were a sentence passed by the trial court.

593. Section 1015.

Right of appellant to attend.

594. (1) Subject to subsection (2), an appellant who is in custody is entitled, if he desires, to be present at the hearing of the appeal.

Appellant represented by counsel.

(2) An appellant who is in custody and who is represented by counsel is not entitled to be present

(a) at the hearing of the appeal, where the appeal is on a ground involving a question of law alone,

(b) on an application for leave to appeal, or

(c) on any proceedings that are preliminary or incidental to an appeal,

unless rules of court provide that he is entitled to be present or the court of appeal or a judge thereof gives him leave to be present.

Argument may be oral or in writing.

(3) A convicted person who is an appellant may present his case on appeal and his argument in writing instead of orally, and the court of appeal shall consider any case or argument so presented.

Sentence in absence of appellant.

(4) The power of a court of appeal to impose sentence may be exercised notwithstanding that the appellant is not present.

Restitution of property.

595. (1) Where an order for compensation or for the restitution of property is made by the trial court under section 628, 629 or 630, the operation of the order is suspended

(a) until the expiration of the period prescribed by rules of court for the giving of notice of appeal or of notice of application for leave to appeal, unless the accused waives an appeal, and

(b) until the appeal or application for leave to appeal has been determined, where an appeal is taken or application for leave to appeal is made.

Annulling or varying order.

(2) The court of appeal may by order annul or vary an order made by the trial court with respect to compensation or the restitution of property within the limits prescribed by the provision under which the order was made by the trial court, whether or not the conviction is quashed.

Powers of Minister of Justice.

Powers of Minister of Justice.

596. The Minister of Justice may, upon an application for the mercy of the Crown by or on behalf of a person who has been convicted in proceedings by indictment,

(a) direct, by order in writing, a new trial before any court that he thinks proper, if after inquiry he is satisfied that in the circumstances a new trial should be directed;

(b) refer the matter at any time to the court of appeal for hearing and determination by that court as if it were an appeal by the convicted person; or

594. Sections 1018 (1) in part, 1021 (6) and 1021 (7).

595. Section 1017.

596. Section 1022 (2).

(c) refer to the court of appeal at any time, for its opinion, any question upon which he desires the assistance of that court, and the court shall furnish its opinion accordingly.

APPEALS TO THE SUPREME COURT OF CANADA.

Appeal from conviction.

597. (1) A person who is convicted of an indictable offence whose conviction is affirmed by the court of appeal may appeal to the Supreme Court of Canada

In case of dissent.

(a) on any question of law on which a judge of the court of appeal dissents, or

On question of law with leave.

(b) on any question of law, if leave to appeal is granted by a judge of the Supreme Court of Canada within twenty-one days after the judgment appealed from is pronounced or within such extended time as the judge may, for special reasons, allow.

(2) A person

(a) who is acquitted of an indictable offence and whose acquittal is set aside by the court of appeal, or

Appeal where acquittal set aside.

Where joint trial.

(b) who is tried jointly with a person referred to in paragraph *(a)* and is convicted and whose conviction is sustained by the court of appeal,

may appeal to the Supreme Court of Canada on a question of law.

Appeal by Attorney General.

598. (1) Where a judgment of a court of appeal sets aside a conviction pursuant to an appeal taken under paragraph *(a)* of section 583 or dismisses an appeal taken pursuant to paragraph *(a)* of section 584, the Attorney General may appeal to the Supreme Court of Canada

In case of dissent.

(a) on any question of law on which a judge of the court of appeal dissents, or

On question of law with leave.

(b) on any question of law, if leave to appeal is granted by a judge of the Supreme Court of Canada within twenty-one days after the judgment appealed from is pronounced or within such extended time as the judge may, for special reasons, allow.

Terms.

(2) Where leave to appeal is granted under paragraph *(b)* of subsection (1), the judge may impose such terms as he sees fit.

Notice of appeal.

599. No appeal lies to the Supreme Court of Canada unless notice of appeal in writing is served by the appellant upon the respondent within fifteen days

(a) after the judgment of the court of appeal is pronounced where the appeal may be taken without leave, or

(b) after leave to appeal is granted, where leave is required.

597. Sections 1023 (1) and (2) and 1025 (1) in part.

598. Sections 1023 (3) and 1025 (1) in part.

599. Sections 1023 (4) and 1025 (2).

unless further time is allowed by the Supreme Court of Canada or a judge thereof.

Order of Supreme Court of Canada.

600. (1) The Supreme Court of Canada may, on an appeal under this Part, make any order that the court of appeal might have made and may make any rule or order that is necessary to give effect to its judgment.

Hearing of appeal.

(2) An appeal to the Supreme Court of Canada that is not brought on for hearing by the appellant at the session of that court during which the judgment appealed from is pronounced by the court of appeal, or during the next session thereof, shall be deemed to be abandoned, unless otherwise ordered by the Supreme Court of Canada or a judge thereof.

Abandonment.

Appeals by Attorney General of Canada.

Right of Attorney General of Canada to appeal.

601. The Attorney General of Canada has the same rights of appeal in proceedings instituted at the instance of the Government of Canada and conducted by or on behalf of that government as the Attorney General of a province has under this Part.

600. Section 1024.

601. New.

PART XIX.

PROCURING ATTENDANCE OF WITNESSES.

Application.

Application.

602. Except where section 446 applies, this Part applies where a person is required to attend to give evidence in a proceeding to which this Act applies.

Process.

Subpoena.

603. (1) Where a person is likely to give material evidence in a proceeding to which this Act applies, a subpoena may be issued in accordance with this Part requiring that person to attend to give evidence.

Warrant in Form 12.

(2) Where it is made to appear that a person who is likely to give material evidence

(a) will not attend in response to a subpoena if a subpoena is issued, or

(b) is evading service of a subpoena,

a court, justice or magistrate having power to issue a subpoena to require the attendance of that person to give evidence may issue a warrant in Form 12 to cause that person to be arrested and to be brought to give evidence.

Subpoena to be issued in first instance.

(3) Except where paragraph *(a)* of subsection (2) applies, a warrant in Form 12 shall not be issued unless a subpoena has first been issued.

How subpoena issued.

604. (1) Where a person is required to attend to give evidence before a superior court of criminal jurisdiction, a court of appeal or a court of criminal jurisdiction other than a magistrate acting under Part XVI, the subpoena directed to that person shall be issued out of the court before which the attendance of that person is required.

Who may issue.

(2) Where a person is required to attend to give evidence before a magistrate acting under Part XVI, or a summary conviction court under Part XXIV or in proceedings over which a justice has jurisdiction, a subpoena directed to that person shall be issued

(a) by a justice or magistrate, as the case may be, where the person whose attendance is required is within the province in which the proceedings were instituted, or

(b) out of a superior court of criminal jurisdiction or a county or district court of the province in which the proceedings were instituted, where the person whose attendance is required is not within the province.

This Part is derived from the following sections of the present *Criminal Code:*—
604A, 655 (3), 663 (in part), 671 to 677, 693, 711 to 713, 716, 788, 789, 841, 842, 971 to 976, 995 to 1000.

Order of judge.

(3) A subpoena shall not be issued pursuant to paragraph *(b)* of subsection (2), except pursuant to an order of a judge of the court made upon application by a party to the proceedings.

Seal.

(4) A subpoena or warrant that is issued by a court under this Part shall be under the seal of the court and shall be signed by a judge of the court or by the clerk of the court.

Signature.

(5) A subpoena or warrant that is issued by a justice or magistrate under this Part shall be signed by the justice or magistrate.

Form.

(6) A subpoena issued under this Part may be in Form 11.

Contents of subpoena.

605. (1) A subpoena shall require the person to whom it is directed to attend, at a time and place to be stated in the subpoena, to give evidence and, if required, to bring with him any writings that he has in his possession or under his control relating to the subject matter of the proceedings.

Witness to appear and remain.

(2) A person who is served with a subpoena issued under this Part shall attend and shall remain in attendance throughout the proceedings unless he is excused by the presiding judge, justice or magistrate.

Execution or Service of Process.

Service.

606. (1) Subject to subsection (2), a subpoena shall be served in accordance with subsection (3) of section 441.

Personal service.

(2) A subpoena that is issued pursuant to paragraph *(b)* of subsection (2) of section 604 shall be served personally upon the person to whom it is directed.

Proof of service.

(3) Service of a subpoena may be proved by the affidavit of the person who effected service.

Subpoena effective throughout Canada.

607. (1) A subpoena that is issued out of a superior court of criminal jurisdiction, a court of appeal or a court of criminal jurisdiction other than a magistrate acting under Part XVI has effect anywhere in Canada according to its terms.

Subpoena effective throughout province.

(2) A subpoena that is issued by a justice or magistrate has effect anywhere in the province in which it is issued.

Warrant effective throughout Canada.

608. (1) A warrant that is issued out of a superior court of criminal jurisdiction, a court of appeal or a court of criminal jurisdiction other than a magistrate acting under Part XVI may be executed anywhere in Canada.

Warrant effective throughout province.

(2) Subject to subsection (3) of section 610, a warrant that is issued by a justice or magistrate may be executed anywhere in the province in which it is issued.

57325—27

Defaulting or Absconding Witness.

Warrant for absconding witness.

609. (1) Where a person is bound by recognizance to give evidence in any proceedings, a justice who is satisfied upon information being made before him in writing and under oath that the person is about to abscond or has absconded, may issue his warrant in Form 13 directing a peace officer to arrest that person and to bring him before the court, judge, justice or magistrate before whom he is bound to appear.

Endorsement of warrant.

(2) Section 447 applies, *mutatis mutandis*, to a warrant issued under this section.

Copy of information.

(3) A person who is arrested under this section is entitled, upon request, to receive a copy of the information upon which the warrant for his arrest was issued.

Warrant when witness does not attend.

610. (1) Where a person who has been served with a subpoena to give evidence in a proceeding does not attend or remain in attendance, the court, judge, justice or magistrate before whom that person was required to attend may, if it is established

(a) that the subpoena has been served in accordance with this Part, and

(b) that the person is likely to give material evidence,

issue or cause to be issued a warrant in Form 12 for the arrest of that person.

Warrant where witness bound by recognizance.

(2) Where a person who has been bound by a recognizance to attend to give evidence in any proceeding does not attend or does not remain in attendance, the court, judge, justice or magistrate before whom that person was bound to attend may issue or cause to be issued a warrant in Form 12 for the arrest of that person.

Warrant effective throughout Canada.

(3) A warrant that is issued by a justice or magistrate pursuant to subsection (1) or (2) may be executed anywhere in Canada.

Order where witness arrested under warrant.

611. Where a person is brought before a court, judge, justice or magistrate under a warrant issued pursuant to subsection (2) of section 603, or pursuant to section 609 or 610, the court, judge, justice or magistrate may order that the person

(a) be detained in custody, or

(b) be released on recognizance in Form 28, with or without sureties,

to appear and give evidence when required.

Contempt.

612. (1) A person who, being required by law to attend or remain in attendance for the purpose of giving evidence fails, without lawful excuse, to attend or remain in attendance accordingly is guilty of contempt of court.

Punishment.

(2) A court, judge, justice or magistrate may deal summarily with a person who is guilty of contempt of court under this section and that person is liable to a fine of one hundred dollars or to imprisonment for ninety days or to both, and may be ordered to pay the costs that are incident to the service of any process under this Part and to his detention, if any.

Form.

(3) A conviction under this section may be in Form 34 and a warrant of committal in respect of a conviction under this section may be in Form 22.

EVIDENCE ON COMMISSION.

Order for, when witness ill or out of Canada.

613. A party to a proceeding to which this Act applies may apply for an order appointing a commissioner to take the evidence of a witness who

Application for order when witness ill.

(a) is, by reason of

(i) physical disability arising out of illness, or

(ii) some other good and sufficient cause,

not likely to be able to attend at the time the trial is held, or

(b) is out of Canada.

Application where witness is ill.

614. (1) An application under paragraph *(a)* of section 613 shall be made

(a) to a judge of a superior court of the province, or

(b) to a judge of a county or district court in the territorial division where the proceedings are taken.

Evidence of medical practitioner.

(2) An application under subparagraph (i) of paragraph *(a)* of section 613 may be granted on the evidence of a registered medical practitioner.

Reading evidence of witness who is ill.

615. Where the evidence of a witness mentioned in subparagraph (i) of paragraph *(a)* of section 613 is taken by a commissioner appointed under section 614, it may be read in evidence in the proceedings if

(a) it is proved by oral evidence or by affidavit that the witness is, by reason of death or physical disability arising out of illness, unable to attend,

(b) the transcript of the evidence is signed by the commissioner by or before whom it purports to have been taken, and

(c) it is proved to the satisfaction of the court that reasonable notice of the time for taking the evidence was given to the other party, and that the accused or his counsel, or the prosecutor or his counsel, as the case may be, had or might have had full opportunity to cross-examine the witness.

Application for order when witness out of Canada.

616. (1) An application that is made under paragraph *(b)* of section 613 shall be made

(a) to a judge of a superior court of criminal jurisdiction or of a court of criminal jurisdiction before which the accused is to be tried, or

(b) to a magistrate acting under Part XVI, where the accused is to be tried by a magistrate acting under that Part.

Reading evidence of witness out of Canada.

(2) Where the evidence of a witness is taken by a commissioner appointed under this section, it may be read in evidence in the proceedings.

Reading evidence to grand jury.

(3) Subject to section 618, evidence that is taken by a commissioner appointed under this section may, where the presiding judge directs, be read in evidence before a grand jury.

Providing for presence of accused counsel.

617. (1) A judge or magistrate who appoints a commissioner may make provision in the order to enable an accused to be present or represented by counsel when the evidence is taken, but failure of the accused to be present or to be represented by counsel in accordance with the order does not prevent the reading of the evidence in the proceedings if the evidence has otherwise been taken in accordance with the order and with this Part.

Return of evidence.

(2) An order for the taking of evidence by commission shall indicate the officer of the court to whom the evidence that is taken under the order shall be returned.

Rules and practice same as in civil cases.

618. Except where otherwise provided by this Part or by rules of court, the practice and procedure in connection with the appointment of commissioners under this Part, the taking of evidence by commissioners, the certifying and return thereof, and the use of the evidence in the proceedings shall, as far as possible, be the same as those that govern like matters in civil proceedings in the superior court of the province in which the proceedings are taken.

Evidence Previously Taken.

Evidence on preliminary inquiry may be read on trial in certain cases.

619. (1) Where, at the trial of an accused, a person whose evidence was given at a previous trial upon the same charge, or whose evidence was taken in the investigation of the charge against the accused or upon the preliminary inquiry into the charge, refuses to be sworn or to give evidence, or if facts are proved upon oath from which it can be inferred reasonably that the person

(a) is dead,

(b) has since become and is insane,
(c) is so ill that he is unable to travel, or
(d) is absent from Canada,

and where it is proved that his evidence was taken in the presence of the accused, it may be read as evidence in the proceedings without further proof, if the evidence purports to be signed by the judge or justice before whom it purports to have been taken, unless the accused proves that it was not in fact signed by that judge or justice or that he did not have full opportunity to cross-examine the witness.

Idem.

(2) Evidence that has been taken on the preliminary inquiry or other investigation of a charge against an accused may be read as evidence in the prosecution of the accused for any other offence upon the same proof and in the same manner in all respects, as it might, according to law, be read in the prosecution of the offence with which the accused was charged when the evidence was taken.

PART XX.

PUNISHMENTS, FINES, FORFEITURES, COSTS AND RESTITUTION OF PROPERTY.

Punishment Generally.

"Court."

620. In this Part, except as provided in section 640, "court" means a court, judge, justice or magistrate and includes a person who is authorized to exercise the powers of a court, judge, justice or magistrate to impose punishment.

Degrees of punishment.

621. (1) Where an enactment prescribes different degrees or kinds of punishment in respect of an offence, the punishment to be imposed is, subject to the limitations prescribed in the enactment, in the discretion of the court that convicts a person who commits the offence.

Discretion as to punishment.

(2) Where an enactment prescribes a punishment in respect of an offence, the punishment to be imposed is, subject to the limitations prescribed in the enactment, in the discretion of the court that convicts a person who commits the offence, but no punishment is a minimum punishment unless it is declared to be a minimum punishment.

Imprisonment in default where term not specified.

(3) Where an accused is convicted of an offence punishable with both fine and imprisonment and a term of imprisonment in default of payment of the fine is not specified in the enactment that prescribed the punishment to be imposed, the imprisonment that may be imposed in default of payment shall not exceed the term of imprisonment that is prescribed in respect of the offence.

Cumulative punishments.

(4) Where an accused

(a) is convicted while under sentence for an offence, and a term of imprisonment, whether in default of payment of a fine or otherwise, is imposed;

(b) is convicted of an offence punishable with both fine and imprisonment, and both are imposed with a direction that, in default of payment of the fine, the accused shall be imprisoned for a term certain; or

(c) is convicted of more offences than one before the same court at the same sittings, and

(i) more than one fine is imposed with a direction in respect of each of them that, in default of payment thereof, the accused shall be imprisoned for a term certain,

620. New

621. Sections 740, 746, 1028, 1029, 1035 (4), 1054, 1055 and new.

(ii) terms of imprisonment for the respective offences are imposed, or

(iii) a term of imprisonment is imposed in respect of one offence and a fine is imposed in respect of another offence with a direction that, in default of payment, the accused shall be imprisoned for a term certain,

the court that convicts the accused may direct that the terms of imprisonment shall be served one after the other.

Fine in lieu of other punishment.

622. (1) An accused who is convicted of an indictable offence punishable with imprisonment for five years or less may be fined in addition to or in lieu of any other punishment that is authorized, but an accused shall not be fined in lieu of imprisonment where the offence of which he is convicted is punishable by a minimum term of imprisonment.

Fine in addition to other punishment.

(2) An accused who is convicted of an indictable offence punishable with imprisonment for more than five years may be fined in addition to, but not in lieu of, any other punishment that is authorized.

Imprisonment in default of payment.

(3) Where a fine is imposed under this section, a term of imprisonment may be imposed in default of payment of the fine, but no such term shall exceed

(a) two years, where the term of imprisonment that may be imposed for the offence is less than five years, or

(b) five years, where the term of imprisonment that may be imposed for the offence is five years or more.

Fines on corporations.

623. (1) Notwithstanding subsection (2) of section 621, a corporation that is convicted of an offence is liable, in lieu of any imprisonment that is prescribed as punishment for that offence,

(a) to be fined in an amount that is in the discretion of the court, where the offence is an indictable offence, or

(b) to be fined in an amount not exceeding one thousand dollars, where the offence is a summary conviction offence.

Enforcement.

(2) Where a fine that is imposed under subsection (1) is not paid forthwith the prosecutor may, by filing the conviction, enter as a judgment the amount of the fine and costs, if any, in the superior court of the province in which the trial was held, and that judgment is enforceable against the accused in the same manner as if it were a judgment rendered against the accused in that court in civil proceedings.

Commencement of sentence.

624. (1) A sentence commences when it is imposed, except where a relevant enactment otherwise provides or the court otherwise orders.

Time pending appeal.

(2) The time during which a convicted person

(a) is at large on bail, or

(b) is confined in a prison or other place of confinement,

pending the determination of an appeal by that person,

622. Section 1035 (1) and (2).

623. Section 1035 (3). Subclauses (1) *(b)* and (2) are new.

624. Section 1054B.

does not count as part of any term of imprisonment imposed pursuant to his conviction, but paragraph *(b)* is subject to any directions that the court appealed to may give.

When time begins to run.

(3) Notwithstanding subsection (1), a term of imprisonment, whether imposed by a trial court or by the court appealed to, commences or shall be deemed to be resumed, as the case requires,

(a) on the day on which the appeal is determined, where the convicted person is then in custody, and

(b) on the day on which the convicted person is arrested and taken into custody under the sentence, where he is not in custody,

but paragraph *(a)* is subject to any directions that the court appealed to may give.

Where fine imposed.

(4) Notwithstanding subsection (1), where the sentence that is imposed is a fine with a term of imprisonment in default of payment, no time prior to the day of execution of the warrant of committal counts as part of the term of imprisonment.

Application for leave to appeal.

(5) An application for leave to appeal is an appeal for the purposes of this section.

Reduction of imprisonment on part payment.

625. (1) Where a term of imprisonment is imposed in default of payment of a penalty, the term shall, upon payment of a part of the penalty, be reduced by the number of days that bears the same proportion to the number of days in the term as the part paid bears to the total penalty.

Minimum which can be accepted.

(2) No amount offered in part payment of a penalty shall be accepted unless it is sufficient to secure reduction of sentence of one day, or some multiple thereof, and where a warrant of committal has been issued, no part payment shall be accepted until any fee that is payable in respect of the warrant or its execution has been paid.

To whom payment made.

(3) Payment may be made under this section to the person who has lawful custody of the prisoner or to such other person as the Attorney General directs.

Application of money paid.

(4) A payment under this section shall, unless the order imposing the penalty otherwise provides, be applied to the payment in full of costs and charges, and thereafter to payment in full of compensation or damages that are included in the penalty, and finally to payment in full of any part of the penalty that remains unpaid.

"Penalty."

(5) In this section, "penalty" means all the sums of money, including fines, in default of payment of which a term of imprisonment is imposed and includes the costs and charges of committing the defaulter and of conveying him to prison.

Fines and penalties go to provincial treasurer.

626. (1) Where a fine, penalty or forfeiture is imposed or a recognizance is forfeited and no provision, other than this section, is made by law for the application of the proceeds thereof, the proceeds belong to Her Majesty in right of the province in which the fine, penalty or forfeiture

625. Section 1035A.

was imposed or the recognizance was forfeited, and shall be paid by the person who receives them to the treasurer of that province.

Exception.

(2) Where

(a) a fine, penalty or forfeiture is imposed

(i) in respect of a violation of a revenue law of Canada,

(ii) in respect of a breach of duty or malfeasance in office by an officer or employee of the Government of Canada, or

(iii) in respect of any proceedings instituted at the instance of the Government of Canada in which that government bears the costs of prosecution; or

(b) a recognizance in connection with proceedings mentioned in paragraph *(a)* is forfeited,

the proceeds of the fine, penalty, forfeiture or recognizance belong to Her Majesty in right of Canada and shall be paid by the person who receives them to the Receiver General of Canada.

Direction for payment to municipality.

(3) Where a provincial, municipal or local authority bears, in whole or in part, the expense of administering the law under which a fine, penalty or forfeiture is imposed or under which proceedings are taken in which a recognizance is forfeited,

By Lieutenant-Governor.

(a) the Lieutenant-Governor in Council may, from time to time, direct that the proceeds of a fine, penalty, forfeiture or recognizance that belongs to Her Majesty in right of the province shall be paid to that authority, and

By Governor in Council.

(b) the Governor in Council may, from time to time, direct that the proceeds of a fine, penalty, forfeiture or recognizance that belongs to Her Majesty in right of Canada shall be paid to that authority.

Province of Ontario

(4) Where the proceeds of a fine, penalty, forfeiture or recognizance belong, by virtue of this section, to Her Majesty in right of the Province of Ontario, but a municipal or local authority in that province bears, in whole or in part, the expense of administering the law under which the fine, penalty or forfeiture was imposed or the recognizance was forfeited, the proceeds shall, notwithstanding anything in this section, be paid to that authority.

Recovery of penalties.

627. (1) Where a fine, pecuniary penalty or forfeiture is imposed by law and no other mode is prescribed for the recovery thereof, the fine, pecuniary penalty or forfeiture is recoverable or enforceable in civil proceedings by Her Majesty, but by no other person.

Limitation.

(2) No proceedings under subsection (1) shall be instituted more than two years after the time when the cause of action arose or the offence was committed in respect of which the fine, pecuniary penalty or forfeiture was imposed.

626. Sections 1036 and 1037.

627. Sections 1038 and 1141.

57325—28

Compensation for loss of property.

628. A court that convicts an accused of an indictable offence may, by order, upon the application of a person aggrieved, at the time sentence is imposed, award out of moneys found in the possession of the accused at the time of his arrest, an amount by way of satisfaction or compensation for loss of or damage to property suffered by the applicant as a result of the commission of the offence of which the accused is convicted.

Compensation to *bona fide* purchasers.

629. Where an accused is convicted of an indictable offence and any property obtained as a result of the commission of the offence has been sold to an innocent purchaser, the court may by order, upon the application of the purchaser after restitution of the property to its owner, award to the purchaser, out of moneys found in the possession of the accused at the time of his arrest, an amount not exceeding the amount paid by the purchaser for the property.

Order for restitution of property.

630. (1) Where an accused is convicted of an indictable offence the court shall order that any property obtained by the commission of the offence shall be restored to the person entitled to it, if at the time of the trial the property is before the court or has been detained so that it can be immediately restored to that person under the order.

Where no conviction.

(2) Where an accused is tried for an indictable offence but is not convicted, and the court finds that an indictable offence has been committed, the court may order that any property obtained by the commission of the offence shall be restored to the person entitled to it, if at the time of the trial the property is before the court or has been detained, so that it can be immediately restored to that person under the order.

When order not to be made.

(3) An order shall not be made under this section in respect of

(a) property to which an innocent purchaser for value has acquired lawful title,

(b) a valuable security that has been paid or discharged in good faith by a person who was liable to pay or discharge it, or

(c) a negotiable instrument that has, in good faith, been taken or received by transfer or delivery for valuable consideration by a person who had no notice and no reasonable cause to suspect that an indictable offence had been committed.

By whom order executed.

(4) An order made under this section shall be executed by the peace officers by whom the process of the court is ordinarily executed.

Saving.

(5) This section does not apply to proceedings against a trustee, banker, merchant, attorney, factor, broker or

628. Section 1048.

629. Section 1049.

630. Sections 1050 and 795.

other agent entrusted with the possession of goods or documents of title to goods, for an offence under section 276, 277, 278 or 282.

Costs to defendant in case of libel.

631. Where judgment is given for the accused in proceedings by indictment for the publication of a defamatory libel, the accused is entitled to recover from the prosecutor costs in a reasonable amount to be fixed by order of the court.

How recovered.

632. Where costs that are fixed under section 631 are not paid forthwith the accused may enter judgment for the amount of the costs by filing the order in the superior court of the province in which the trial was held, and that judgment is enforceable against the prosecutor in the same manner as if it were a judgment rendered against him in that court in civil proceedings.

IMPRISONMENT.

Imprisonment when no other provision.

633. Every one who is convicted of an indictable offence for which no punishment is specially provided is liable to imprisonment for five years.

Imprisonment for life or more than two years.

634. (1) Except where otherwise provided, a person who is sentenced to imprisonment for life or for a term of two years or more shall be sentenced to the penitentiary designated by or under the *Penitentiary Act* as the penitentiary for the province, territory or district in which he is convicted.

Imprisonment for term less than two years.

(2) A person who is sentenced to imprisonment

(a) for a term of less than two years, or

(b) for two or more terms of less than two years each, to be served one after the other,

shall, unless a special prison is prescribed by law, be sentenced to imprisonment in a prison or place of confinement within the province in which he is convicted, other than a penitentiary, in which the sentence of imprisonment may be lawfully executed.

Term less than two years.

(3) Where a person who is sentenced to imprisonment in a penitentiary is, before the expiration of that sentence, sentenced to imprisonment for a term of less than two years, he may be sentenced to serve that term in the same penitentiary, and if he is sentenced accordingly, he shall serve that term in that penitentiary, but if the previous sentence of imprisonment in the penitentiary is set aside, he shall serve that term in accordance with subsection (2).

631. Section 1045.

632. New.

633. Section 1052 (1).

634. Sections 1006 and 1056.

Sentence to penitentiary of person serving sentence elsewhere.

(4) Where a person is sentenced to imprisonment in a penitentiary while he is lawfully imprisoned in a place other than a penitentiary he shall, except where otherwise provided, be sent immediately to the penitentiary and shall serve in the penitentiary the unexpired portion of the term of imprisonment that he was serving when he was sentenced to the penitentiary as well as the term of imprisonment for which he was sentenced to the penitentiary.

Exception.

(5) For the purposes of this section, "penitentiary" does not, until January 1, 1954, include the penitentiary mentioned in section 37 of the *Statute Law Amendment (Newfoundland) Act*, chapter 6 of the Statutes of Canada, 1949, (First Session).

Sentence served according to regulations.

635. (1) A sentence of imprisonment shall be served in accordance with the enactments and rules that govern the institution to which the prisoner is sentenced, and a reference to hard labour in a conviction or sentence shall be deemed to be a reference to the employment of prisoners that is provided for in the enactments or rules.

Hard labour improperly ordered.

(2) A conviction or sentence that imposes hard labour shall not be quashed or set aside on the ground only that the enactment that creates the offence does not authorize the imposition of hard labour, but shall be amended accordingly.

Delivery of Accused to Keeper of Prison.

Execution of warrant of committal.

636. A peace officer or other person to whom a warrant of committal authorized by this Act or any other Act of the Parliament of Canada is directed shall convey the person named or described therein to the prison mentioned in the warrant and deliver him, together with the warrant, to the keeper of the prison who shall thereupon give to the peace officer or other person who delivers the prisoner a receipt in Form 39 setting out the state and condition of the prisoner when delivered into his custody.

Recognizances to Keep the Peace.

Binding over person convicted.

637. (1) Where a person is convicted of an offence, the court may

(a) in addition to any sentence that is imposed upon him, in the case of an indictable offence, or

(b) in addition to or in lieu of sentence, in the case of an offence punishable on summary conviction,

order that the person shall, at a time to be fixed by the court, enter into a recognizance, with or without sureties, to keep the peace and be of good behaviour for a term that does not

635. New.

636. Section 704.

637. Sections 748 (1), 1058 and 1059.

exceed two years, and in default may, by warrant in Form 20, commit him to prison until the recognizance is entered into or the security is given.

Form.

(2) A recognizance under this section may be in Form 28.

Proceedings when in prison two weeks.

(3) Where a person who has been ordered to enter into a recognizance under subsection (1) has remained in prison for two weeks because of his default, he may apply to a judge for review of the order of committal.

Procedure when brought before court.

(4) A judge who receives an application under subsection (3) may order the discharge of the person referred to, forthwith or at a subsequent time, upon notice to such persons as he considers proper, or may make any other order that he considers proper in the circumstances with respect to the number of sureties to be required, the amounts in which they are to be bound and the period during which the person and the sureties are to be bound.

"Judge."

(5) In this section, "judge" means a judge of a superior court of criminal jurisdiction or of a court of criminal jurisdiction for the territorial division in which the prison where the person is confined is situated.

Suspended Sentence and Probation.

Suspension of sentence.

638. (1) Where an accused is convicted of an offence and no previous conviction is proved against him, and it appears to the court that convicts him or that hears an appeal that, having regard to his age, character and antecedents, to the nature of the offence and to any extenuating circumstances surrounding the commission of the offence, it is expedient that the accused be released on probation, the court may, except where a minimum punishment is prescribed by law, instead of sentencing him to punishment, suspend the passing of sentence and direct that he be released upon entering into a recognizance in Form 28, with or without sureties.

(a) to keep the peace and be of good behaviour during any period that is fixed by the court, and

(b) to appear and to receive sentence when called upon to do so during the period fixed under paragraph *(a)*, upon breach of his recognizance.

Conditions.

(2) A court that suspends the passing of sentence may prescribe as conditions of the recognizance that

(a) the accused shall pay the costs of prosecution or some portion thereof within such period and by such instalments as it may direct,

(b) the accused shall make restitution and reparation to any person aggrieved or injured for the actual loss or damage caused by the commission of the offence, and

638. Section 1081.

(c) the accused shall provide for the support of his wife and any other dependents whom he is liable to support,

and the court may impose such further conditions as it considers desirable in the circumstances and may from time to time change the conditions and increase or decrease the period of the recognizance, but no such recognizance shall be kept in force for more than two years.

Requiring person to report.

(3) A court that suspends the passing of sentence may require as a condition of the recognizance that the accused shall report from time to time, as it may prescribe, to a person designated by the court, and the accused shall be under the supervision of that person during the prescribed period.

Report by designated person.

(4) The person designated by the court under subsection (3) shall report to the court if the accused does not carry out the terms on which the passing of sentence was suspended, and the court may order that the accused be brought before it to be sentenced.

Suspending sentence of person previously convicted.

(5) Where one previous conviction and no more is proved against an accused who is convicted, but the previous conviction took place more than five years before the time of the commission of the offence of which he is convicted, or was for an offence that is not related in character to the offence of which he is convicted, the court may, notwithstanding subsection (1), suspend the passing of sentence and make the direction mentioned in subsection (1).

Summons or warrant when recognizance not observed.

639. (1) A court that has suspended the passing of sentence or a justice having jurisdiction in the territorial division in which a recognizance was taken under section 638 may, upon being satisfied by information on oath that the accused has failed to observe a condition of the recognizance, issue a summons to compel his appearance or a warrant for his arrest.

Return.

(2) A summons under subsection (1) is returnable before the court and an accused who is arrested under a warrant issued under subsection (1) shall be brought before the court or a justice.

Remand for judgment.

(3) A justice before whom a warrant under subsection (1) is returned may remand the accused to appear before the court or admit him to bail upon recognizance, with or without sureties, conditioned upon such appearance.

Sentence.

(4) The court may, upon the appearance of the accused pursuant to this section or subsection (4) of section 638 and upon being satisfied that the accused has failed to observe a condition of his recognizance, sentence him for the offence of which he was convicted.

Magistrate unable to act.

(5) Where the passing of sentence is suspended by a magistrate acting under Part XVI or Part XXIV or by a judge, and thereafter he dies or is for any reason unable

639. Section 1083 and new.

to act, his powers under this section may be exercised by any other magistrate or judge, as the case may be, who has equivalent jurisdiction in the same territorial division.

"Court."

640. For the purposes of sections 638 and 639, "court" means

(a) a superior court of criminal jurisdiction,

(b) a court of criminal jurisdiction,

(c) a magistrate acting as a summary conviction court under Part XXIV, or

(d) a court that hears an appeal.

Whipping.

Execution of sentence by whipping.

641. (1) Where a person is liable to be sentenced to be whipped, the court may sentence him to be whipped on one, two or three occasions within the limits of the prison in which he is confined.

Number of strokes to be specified.

(2) A sentence of whipping shall specify the number of strokes to be administered on each occasion.

How to be executed.

(3) Every sentence of whipping shall be carried out in accordance with regulations to be made by the Governor in Council.

Female not to be whipped.

(4) No female person shall be whipped.

Capital Punishment.

Form of sentence.

642. The sentence to be pronounced against a person who is sentenced to death shall be that he shall be hanged by the neck until he is dead.

Sentence of death to be reported to Secretary of State.

643. (1) A judge who sentences a person to death shall appoint a day for the execution of the sentence, and in appointing that day shall allow a period of time that, in his opinion is sufficient to enable the Governor General to signify his pleasure before that day, and shall forthwith make a report of the case to the Secretary of State for the information of the Governor General.

When judge may grant reprieve.

(2) Where a judge who sentences a person to death considers

(a) that the person should be recommended for the royal mercy, or

(b) that, for any reason, it is necessary to delay the execution of the sentence,

the judge or any judge who might have held or sat in the same court may, at any time, reprieve the person for any period that is necessary for the purpose.

640. Section 1026.

641. Section 1060.

642. Section 1062.

643. Section 1063.

Sentence of death in N.W.T. and Yukon.

(3) A judge who sentences a person to death in the Northwest Territories or in the Yukon Territory shall, after appointing a day for the execution of the sentence, in accordance with subsection (1), forthwith forward to the Secretary of State full notes of the evidence taken at the trial and his report upon the case, and the execution of the sentence shall be suspended until the report is received and the pleasure of the Governor General is signified, and where, pursuant to such suspension, a new time is required to be fixed for execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge having equivalent jurisdiction.

Prisoner to be confined apart.

644. (1) A person who is sentenced to death shall be confined in a safe place within a prison apart from all other prisoners.

Who to have access.

(2) No person other than the keeper of the prison and his servants, the prison doctor and a clergyman or minister shall have access to a person who is sentenced to death unless permission is given in writing by a judge of the court by which the sentence was imposed or by the sheriff.

Place of execution.

645. (1) A sentence of death shall be executed within the walls of a prison.

Who shall attend.

(2) The sheriff, the keeper of the prison, the prison doctor and any other persons required by the sheriff shall be present at the execution of a sentence of death.

Who may attend.

(3) A clergyman or minister who desires to attend and any other person whom the sheriff considers it proper to admit may attend the execution of a sentence of death.

Certificate of death.

646. (1) The prison doctor shall, as soon as possible after a sentence of death has been executed, examine the body of the executed person, ascertain the fact of death, and sign and deliver to the sheriff a certificate in Form 40.

Form.

Declaration by sheriff and keeper.

(2) The sheriff, the keeper of the prison and any other persons who are present at the execution of a sentence of death shall, if required by the sheriff, sign a declaration in Form 41.

Form.

Deputies may act.

647. Any duty that is imposed upon a sheriff, keeper of the prison or prison doctor by section 645 may, and in his absence shall, be performed by his lawful deputy or assistant, or by the officer or person who ordinarily acts for him or with him.

Coroner's inquest.

648. (1) A coroner of a district, county or place where a sentence of death is executed shall, within twenty-four hours after the execution of the sentence, hold an inquest on the body of the executed person.

644. Section 1064.

645. Sections 1065, 1066 and 1067.

646. Section 1068.

647. Section 1069.

648. Section 1070.

Identity and death.

(2) The jury shall, at the inquest referred to in subsection (1), inquire into and ascertain the identity of the body of the executed person, and whether sentence of death was duly executed.

Inquisition in duplicate.

(3) The coroner shall prepare the inquisition in duplicate and shall deliver one to the sheriff.

Jurors.

(4) No officer of a prison in which a sentence of death is executed and no prisoner confined therein shall be a juror on an inquest referred to in subsection (1).

Documents to be sent to Secretary of State.

649. Where a sentence of death is executed, the sheriff shall, as soon as possible, send the certificates mentioned in section 646 and the inquisition referred to in subsection (3) of section 648 to the Secretary of State or to the person who, from time to time, is appointed by the Governor in Council to receive them.

Place of burial.

650. The body of a person who is executed pursuant to a sentence of death shall be buried within the prison in which the sentence was executed, unless the Lieutenant-Governor in Council, the Commissioner of the Yukon Territory or the Commissioner of the Northwest Territories, as the case may be, otherwise orders.

Saving.

651. Failure to comply with sections 643 to 649 does not make the execution of a sentence of death illegal where the execution would otherwise have been legal.

Procedure under other Acts not affected.

652. Sections 643 to 650 do not apply in so far as they are inconsistent with any other Act of the Parliament of Canada that provides for the imposition and execution of a sentence of death.

Regulations.

653. The Governor in Council may make regulations not inconsistent with this Act with respect to the execution of sentences of death.

Disabilities.

Conviction of person holding public office vacates office.

654. (1) Where a person is convicted of treason or of an indictable offence for which he is sentenced to death or to imprisonment for a term exceeding five years and holds, at the time he is convicted, an office under the Crown or other public employment, the office or employment forthwith becomes vacant.

When disability ceases.

(2) A person to whom subsection (1) applies is, until he undergoes the punishment imposed upon him or the punishment substituted therefor by competent authority or receives a free pardon from Her Majesty, incapable of holding any office under the Crown or other public employment, or of being elected or sitting or voting as a member of the Parliament of Canada or of a legislature or of exercising any right of suffrage.

649. Section 1072.

650. Section 1071.

651. Section 1073.

652. Section 1074.

653. Section 1075.

654. Sections 159, 162 (part), 434 (3) and 1034.

57325—29

Disability to contract.

(3) No person who is convicted of an offence under section 102, 105 or 361 has, after that conviction, capacity to contract with Her Majesty or to receive any benefit under a contract between Her Majesty and any other person or to hold office under Her Majesty.

Removal of disability.

(4) Where a conviction is set aside by competent authority any disability imposed by this section is removed.

PARDON.

To whom pardon may be granted.

655. (1) Her Majesty may extend the royal mercy to a person who is sentenced to imprisonment under the authority of an Act of the Parliament of Canada, even if the person is imprisoned for failure to pay money to another person.

Free or conditional pardon.

(2) The Governor in Council may grant a free pardon or a conditional pardon to any person who has been convicted of an offence.

Effect of free pardon.

(3) Where the Governor in Council grants a free pardon to a person, that person shall be deemed thereafter never to have committed the offence in respect of which the pardon is granted.

Punishment for subsequent offence not affected.

(4) No free pardon or conditional pardon prevents or mitigates the punishment to which the person might otherwise be lawfully sentenced on a subsequent conviction for an offence other than that for which the pardon was granted.

Commutation of sentence.

656. (1) The Governor in Council may commute a sentence of death to imprisonment in the penitentiary for life, or for any term of years not less than two years, or to imprisonment in a prison other than a penitentiary for a period of less than two years.

Notice to authorities.

(2) A copy of an instrument duly certified by the Clerk of the Privy Council or a writing under the hand of the Secretary of State or Under-Secretary of State declaring that a sentence of death is commuted is sufficient notice to and authority for all persons having control over the prisoner to do all things necessary to give effect to the commutation.

Remission by Governor in Council.

657. (1) The Governor in Council may order the remission, in whole or in part, of a pecuniary penalty, fine or forfeiture imposed under an Act of the Parliament of Canada, whoever the person may be to whom it is payable or however it may be recoverable.

Terms of remission.

(2) An order for remission under subsection (1) may include the remission of costs incurred in the proceedings, but no costs to which a private prosecutor is entitled shall be remitted.

Royal prerogative.

658. Nothing in this Act in any manner limits or affects Her Majesty's royal prerogative of mercy.

655. Section 1076.

656. Section 1077.

657. Section 1080.

658. Sections 1084 and 1085.

PART XXI.

PREVENTIVE DETENTION.

Interpretation.

659. In this Part,

"Court." *(a)* "court" means

(i) a superior court of criminal jurisdiction, or

(ii) a court of criminal jurisdiction;

"Criminal sexual psychopath." *(b)* "criminal sexual psychopath" means a person who, by a course of misconduct in sexual matters, has shown a lack of power to control his sexual impulses and who as a result is likely to attack or otherwise inflict injury, pain or other evil on any person, and

"Preventive detention." *(c)* "preventive detention" means detention in a penitentiary for an indeterminate period.

Habitual Criminals.

Application for preventive detention. **660.** (1) Where an accused is convicted of an indictable offence the court may, upon application, impose a sentence of preventive detention in addition to any sentence that is imposed for the offence of which he is convicted if

(a) the accused is found to be an habitual criminal, and

(b) the court is of the opinion that because the accused is an habitual criminal, it is expedient for the protection of the public to sentence him to preventive detention.

Who is habitual criminal. (2) For the purposes of subsection (1), an accused is an habitual criminal if

(a) he has previously, since attaining the age of eighteen years, on at least three separate and independent occasions been convicted of an indictable offence for which he was liable to imprisonment for five years or more and is leading persistently a criminal life, or

(b) he has been previously sentenced to preventive detention.

Criminal Sexual Psychopaths.

Evidence. **661.** (1) Where an accused is convicted of

Rape. Carnal knowledge. Indecent assault on female. Buggery or bestiality. Indecent assault on male. Gross indecency. *(a)* an offence under

(i) section 136,

(ii) section 138,

(iii) section 141,

(iv) section 147,

(v) section 148, or

(vi) section 149; or

659. Sections 575A and 1054A (8).

660. Sections 575B and 575C (1).

661. Section 1054A (1), (2), (3) and (5).

(b) an attempt to commit an offence under a provision mentioned in paragraph *(a)*,

the court may, upon application, before passing sentence hear evidence as to whether the accused is a criminal sexual psychopath.

Evidence of psychiatrists.

(2) On the hearing of an application under subsection (1) the court may hear any evidence that it considers necessary, but shall hear the evidence of at least two psychiatrists, one of whom shall be nominated by the Attorney General.

Sentence of preventive detention.

(3) Where the court finds that the accused is a criminal sexual psychopath it shall, notwithstanding anything in this Act or any other Act of the Parliament of Canada, sentence the accused to a term of imprisonment of not less than two years in respect of the offence of which he was convicted and, in addition, impose a sentence of preventive detention.

GENERAL.

Notice of application.

662. (1) The following provisions apply with respect to applications under this Part, namely,

(a) an application under subsection (1) of section 660 shall not be heard unless

(i) the Attorney General of the province in which the accused is to be tried consents,

(ii) seven clear days' notice has been given to the accused by the prosecutor specifying the previous convictions and the other circumstances, if any, upon which it is intended to found the application, and

(iii) a copy of the notice has been filed with the clerk of the court or the magistrate, as the case may be; and

(b) an application under subsection (1) of section 661 shall not be heard unless seven clear days' notice thereof has been given to the accused by the prosecutor and a copy of the notice has been filed with the clerk of the court or with the magistrate, where the magistrate is acting under Part XVI.

Hearing of application.

(2) An application under this Part shall be heard and determined before sentence is passed for the offence of which the accused is convicted and shall be heard by the court without a jury.

When proof unnecessary.

(3) For the purposes of section 660, where the accused admits the allegations contained in the notice referred to in paragraph *(b)* of subsection (1), no proof of those allegations is required.

662. Sections 575c (3) and (4) and 1054A (4).

Evidence of character and repute.

663. Without prejudice to the right of the accused to tender evidence as to his character and repute, evidence of character and repute may, where the court thinks fit, be admitted on the question whether the accused is or is not persistently leading a criminal life or is or is not a criminal sexual psychopath, as the case may be.

Commencement of sentence.

664. A sentence of preventive detention shall commence immediately upon the determination of the sentence imposed upon the accused for the offence of which he was convicted, but the Governor in Council may, at any time, commute that sentence to a sentence of preventive detention.

Commutation.

Where to be served.

665. (1) Notwithstanding anything in this Act or any other Act of the Parliament of Canada an accused who is sentenced to preventive detention shall serve in a penitentiary the sentence for the offence of which he was convicted as well as the sentence of preventive detention.

Prison set apart.

(2) An accused who is sentenced to preventive detention may be confined in a penitentiary or part of a penitentiary set apart for that purpose and shall be subject to such disciplinary and reformative treatment as may be prescribed by law.

Review by Minister of Justice.

666. Where a person is in custody under a sentence of preventive detention, the Minister of Justice shall, at least once in every three years, review the condition, history and circumstances of that person for the purpose of determining whether he should be permitted to be at large on licence, and if so, on what conditions.

Appeal.

667. (1) A person who is sentenced to preventive detention under this Part may appeal to the court of appeal against that sentence.

Appeal by Attorney General.

(2) The Attorney General may appeal to the court of appeal against the dismissal of an application for an order under this Part.

Part XVIII applies *re* appeals.

(3) The provisions of Part XVIII with respect to procedure on appeals apply, *mutatis mutandis*, to appeals under this section.

663. Section 575D.

664. Sections 575F, 575G (1) and 1054A (4).

665. (1) New.

(2) Section 575G (2) and (3).

666. Sections 575H and 1054A (7).

667. Section 575E.

PART XXII.

EFFECT AND ENFORCEMENT OF RECOGNIZANCES.

Applications for forfeiture of recognizances.

668. (1) Applications for the forfeiture of recognizances shall be made to the courts, designated in Column II of the Schedule, of the respective provinces designated in Column I of the Schedule.

(2) In this Part,

"Clerk of the Court."

(a) "clerk of the court" means the officer designated in Column III of the Schedule in respect of the court designated in Column II of the Schedule, and

"Schedule."

(b) "Schedule" means the schedule to this Part.

Recognizance binding.

669. Where a person is bound by recognizance to appear before a court, justice or magistrate for any purpose and the session or sittings of that court or the proceedings are adjourned or an order is made changing the place of trial, that person and his sureties continue to be bound by the recognizance in like manner as if it had been entered into with relation to the resumed proceedings or the trial at the time and place at which the proceedings are ordered to be resumed or the trial is ordered to be held.

Responsibility of sureties.

670. (1) Where an accused is bound by recognizance to appear for trial, his arraignment or conviction does not discharge the recognizance, but it continues to bind him and his sureties, if any, for his appearance until he is discharged or sentenced, as the case may be.

Committal or new sureties.

(2) Notwithstanding subsection (1), the court, justice or magistrate may commit an accused to prison or may require him to furnish new or additional sureties for his appearance until he is discharged or sentenced, as the case may be.

Effect of committal.

(3) The sureties of an accused who is bound by recognizance to appear for trial are discharged if he is committed to prison pursuant to subsection (2).

Effect of subsequent arrest.

671. Where an accused is bound by recognizance to appear for trial, his arrest upon another charge does not vacate the recognizance, but it continues to bind him and his sureties, if any, for his appearance until he is discharged or sentenced, as the case may be, in respect of the offence to which the recognizance relates.

Render of accused by sureties.

672. (1) A surety for a person who is bound by recognizance to appear may, by an application in writing to a court, justice or magistrate apply to be relieved of his obligation under the recognizance, and the court, justice or magistrate shall thereupon issue an order in writing for

This Part is derived from the provisions of sections 1086 to 1119 and 886 (2) of the present *Criminal Code*.

committal of that person to the prison nearest to the place where he was, under the recognizance, bound to appear.

Arrest.

(2) An order under subsection (1) shall be given to the surety and upon receipt thereof he or any peace officer may arrest the person named in the order and deliver him with the order to the keeper of the prison named therein, and the keeper shall receive and imprison him until he is discharged according to law.

Certificate and entry of render.

(3) Where a judge, justice or magistrate who issues an order under subsection (1) receives from the sheriff a certificate that the person named in the order has been committed to prison pursuant to subsection (2), he shall order an entry of the committal to be endorsed on the recognizance.

Discharge of sureties.

(4) An endorsement under subsection (3) vacates the recognizance and discharges the sureties.

Render of accused in court by sureties.

673. A surety for a person who is bound by recognizance to appear may bring that person into the court at which he is required to appear at any time during the sittings thereof and before his trial and the surety may discharge his obligation under the recognizance by giving that person into the custody of the court, and the court shall thereupon commit that person to prison until he is discharged according to law.

Rights of surety preserved.

674. Nothing in this Part limits or restricts any right that a surety has of taking and giving into custody any person for whom, under a recognizance, he is a surety.

Application for bail after render.

675. Where a surety for a person has rendered him into custody and that person has been committed to prison, he may apply to the court, justice or magistrate before whom he was required to appear to be admitted again to bail, and the court, justice or magistrate may

(a) refuse the application, or

(b) allow the application and make any order with respect to the number of sureties and the amount of the bail that is considered proper in the circumstances.

Default to be endorsed.

676. (1) Where, in proceedings to which this Act applies, a person who is bound by recognizance does not comply with a condition of the recognizance, a court, justice or magistrate having knowledge of the facts shall endorse or cause to be endorsed on the back of the recognizance a certificate in Form 29 setting out

(a) the nature of the default,

(b) the reason for the default, if it is known,

(c) whether the ends of justice have been defeated or delayed by reason of the default, and

(d) the names and addresses of the principal and sureties.

Transmission to clerk of court.

(2) A recognizance that has been endorsed pursuant to subsection (1) shall be sent to the clerk of the court and shall be kept by him with the records of the court.

Prima facie evidence.

(3) A certificate that has been endorsed on a recognizance pursuant to subsection (1) is *prima facie* evidence of the default to which it relates.

Transmission of deposit.

(4) Where, in proceedings to which this section applies, the principal or surety has deposited money as security for the performance of a condition of a recognizance, that money shall be sent to the clerk of the court with the defaulted recognizance, to be dealt with in accordance with this Part.

Proceedings in case of default.

677. (1) Where a recognizance has been endorsed with a certificate pursuant to section 676 and has been received by the clerk of the court pursuant to that section,

Judge to fix time for hearing.

(a) a judge of the court shall, upon the request of the clerk of the court or the Attorney General or counsel acting on his behalf, fix a time and place for the hearing of an application for the forfeiture of the recognizance, and

Notice of hearing.

(b) the clerk of the court shall, not less than ten days before the time fixed under paragraph *(a)* for the hearing, send by registered mail to each principal and surety named in the recognizance, directed to him at the address set out in the certificate, a notice requiring him to appear at the time and place fixed by the judge to show cause why the recognizance should not be forfeited.

Order of judge.

(2) Where subsection (1) has been complied with, the judge may, after giving the parties an opportunity to be heard, in his discretion grant or refuse the application and make any order with respect to the forfeiture of the recognizance that he considers proper.

Fieri facias to issue.

(3) Where, pursuant to subsection (2), the judge orders forfeiture of the recognizance, the principal and his sureties become judgment debtors of the Crown, each in the amount that he has pledged himself to pay, and the clerk of the court or, in the province of Quebec, the prothonotary, shall issue a writ of *fieri facias* in Form 30 and deliver it to the sheriff of the territorial division in which the order was made.

Transfer of deposit.

(4) Where a deposit has been made by a person against whom an order for forfeiture of a recognizance has been made, no writ of *fieri facias* shall issue, but the amount of the deposit shall be transferred by the person who has custody of it to the person who is entitled by law to receive it.

Levy under writ.

678. (1) Where a writ of *fieri facias* is issued pursuant to section 677, the sheriff to whom it is delivered shall execute the writ and deal with the proceeds thereof in the same manner in which he is authorized to execute and deal with the proceeds of writs of *fieri facias* issued out of superior courts in the province in civil proceedings.

Costs.

(2) Where this section applies the Crown is entitled to the costs of execution and of proceedings incidental thereto that are fixed, in the province of Quebec, by any tariff applicable in the Superior Court in civil proceedings, and in any other province, by any tariff applicable in the superior court of the province in civil proceedings, as the judge may direct.

Committal when writ not satisfied.

679. (1) Where a writ of *fieri facias* has been issued under this Part and it appears from a certificate in a return made by the sheriff that sufficient goods and chattels, lands and tenements cannot be found to satisfy the writ, or that the proceeds of the execution of the writ are not sufficient to satisfy it, a judge of the court may, upon the application of the Attorney General or counsel acting on his behalf, direct the issue of a warrant of committal in Form 24.

Confinement.

(2) A warrant issued pursuant to subsection (1) authorizes the sheriff to take into custody the persons in respect of whom the warrant was issued and to confine them in a prison in the territorial division in which the writ was issued or in the prison nearest to the court, until satisfaction is made or until the court makes a further order pursuant to subsection (4).

Return to warrant.

(3) The warrant of committal issued under this section shall be returned by the sheriff at the time when it is made returnable and the sheriff shall state in his return what has been done in execution of the warrant.

Petition and proceedings thereon.

(4) Where a person has been taken into custody under a warrant of committal issued under this section, a judge of the court, on petition of that person, of which notice shall be given to the Attorney General or counsel acting on his behalf, may inquire into the circumstances of the case and may, in his discretion,

(a) order the discharge of the amount for which that person is liable, or

(b) make any order with respect to that person and to his imprisonment that he considers proper in the circumstances.

"Attorney General."

(5) In this section and in section 677, "Attorney General" means, where subsection (2) of section 626 applies, the Attorney General of Canada.

57325—30

SCHEDULE

Column I.	Column II.	Column III.
Ontario	The Supreme Court, in respect of a recognizance for the appearance of a person before that court.	The Registrar or Local Registrar of the Supreme Court.
	A judge of the Court of Appeal in respect of a recognizance for the appearance of a person before that court.	The Registrar of the Supreme Court.
	A Court of the General Sessions of the Peace in respect of a recognizance for the appearance of a person before that court, a judge acting under Part XVI, a justice or a magistrate.	Clerk of the Peace.
Quebec	The Superior Court, exercising civil jurisdiction.	The Clerk of the Peace.
Nova Scotia	A judge of the Supreme Court in respect of a recognizance for the appearance of a person before the Supreme Court *in banco*.	The Prothonotary at Halifax.
	A judge of the County Court in respect of a recognizance for the appearance of a person before a judge of the Supreme Court, a judge of the County Court, a judge acting under Part XVI, a justice or a magistrate.	The Clerk of the County Court.
New Brunswick	The Supreme Court	The Registrar of the Supreme Court.
Manitoba	The Court of Queen's Bench	The Clerk or Deputy Clerk of the Crown and Pleas.
British Columbia	The Supreme Court in respect of a recognizance for the appearance of a person before that court or the Court of Appeal.	The District Registrar of the Supreme Court.
	A County Court in respect of a recognizance for the appearance of a person before that court, a judge acting under Part XVI, a justice or a magistrate.	The Clerk of the County Court.
Prince Edward Island	The Supreme Court of Judicature	The Prothonotary.
Saskatchewan	The Court of Queen's Bench in respect of a recognizance for the appearance of a person before that Court or the Court of Appeal.	The Local Registrar of the Court of Queen's Bench.
	A District Court in respect of a recognizance for the appearance of a person before that Court, a judge acting under Part XVI, a justice or a magistrate.	The Clerk of the District Court.
Alberta	The Supreme Court in respect of a recognizance for the appearance of a person before that Court or the Court of Appeal,	The Clerk of the Supreme Court.
	A District Court in respect of a recognizance for the appearance of a person before that Court, a judge acting under Part XVI, a justice or a magistrate.	The Clerk of the District Court.
Newfoundland	The Supreme Court	The Registrar of the Supreme Court.
Yukon Territory	The Territorial Court	The Clerk of the Court
Northwest Territories	The Territorial Court	The Clerk of the Court.

PART XXIII.

EXTRAORDINARY REMEDIES.

Application of Part.

680. This Part applies to proceedings in criminal matters by way of *certiorari*, *habeas corpus*, *mandamus* and prohibition.

Detention of prisoner on inquiry as to legality of imprisonment.

681. Where a person, being in custody by reason that he is charged with or has been convicted of an indictable offence, has instituted proceedings to which this Part applies, before a judge or court having jurisdiction, to have the legality of his imprisonment determined, the judge or court may, without determining the question, make an order for the further detention of that person and direct the judge, justice or magistrate under whose warrant he is in custody, or any other judge, justice or magistrate to take any proceedings, hear such evidence or do any other thing that, in the opinion of the judge or court, will best further the ends of justice.

Where conviction or order not reviewable.

682. No conviction or order shall be removed by *certiorari*

(a) where an appeal was taken, whether or not the appeal has been carried to a conclusion, or

(b) where the defendant appeared and pleaded and the merits were tried, and an appeal might have been taken, but the defendant did not appeal.

Conviction or order remediable, when.

683. (1) No conviction, order or warrant for enforcing a conviction or order shall, on being removed by *certiorari*, be held to be invalid by reason of any irregularity, informality or insufficiency therein, where the court before which or the judge before whom the question is raised, upon perusal of the evidence, is satisfied

(a) that an offence of the nature described in the conviction, order or warrant, as the case may be, was committed,

(b) that there was jurisdiction to make the conviction or order or issue the warrant, as the case may be, and

(c) that the punishment imposed, if any, was not in excess of the punishment that might lawfully have been imposed,

but the court or judge has the same powers to deal with the proceedings in the manner that he considers proper that are conferred upon a court to which an appeal might have been taken.

680. New.

681. Section 1120.

682. Sections 1121, 1122 and 1129.

683. Section 1124.

Correcting punishment.

(2) Where, in proceedings to which subsection (1) applies, the court or judge is satisfied that a person was properly convicted of an offence but the punishment that was imposed is greater than the punishment that might lawfully have been imposed, the court or judge

In case of fine.

(a) shall correct the sentence,

(i) where the punishment is a fine, by imposing a fine that does not exceed the maximum fine that might lawfully have been imposed,

In case of imprisonment.

(ii) where the punishment is imprisonment, and the person has not served a term of imprisonment under the sentence that is equal to or greater than the term of imprisonment that might lawfully have been imposed, by imposing a term of imprisonment that does not exceed the maximum term of imprisonment that might lawfully have been imposed, or

Where both are imposed.

(iii) where the punishment is a fine and imprisonment, by imposing a punishment in accordance with subparagraph (i) or (ii), as the case requires, or

Remitting matter to justice.

(b) shall remit the matter to the judge, justice or magistrate and direct him to impose a punishment that is not greater than the punishment that may be lawfully imposed.

Amendment.

(3) Where an adjudication is varied pursuant to subsection (1) or (2), the conviction and warrant of committal, if any, shall be amended to conform with the adjudication as varied.

Sufficiency of statement.

(4) Any statement that appears in a conviction and is sufficient for the purpose of the conviction is sufficient for the purposes of an information, summons, order or warrant in which it appears in the proceedings.

Irregularities within section 683.

684. Without restricting the generality of section 683, that section shall be deemed to apply where

(a) the statement of the adjudication or of any other matter or thing is in the past tense instead of in the present tense,

(b) the punishment imposed is less than the punishment that might by law have been imposed for the offence that appears by the evidence to have been committed, or

(c) there has been an omission to negative circumstances, the existence of which would make the act complained of lawful, whether those circumstances are stated by way of exception or otherwise in the provision under which the offence is charged, or are stated in another provision.

684. Section 1125.

General order for security by recognizance.

685. (1) A court that has authority to quash a conviction, order or other proceeding on *certiorari* may prescribe by general order that no motion to quash any such conviction, order or other proceeding removed to the court by *certiorari*, shall be heard unless the defendant has entered into a recognizance with one or more sufficient sureties, before one or more justices of the territorial division in which the conviction or order was made, or before a judge or other officer, or has made a deposit to be prescribed with a condition that the defendant will prosecute the writ of *certiorari* at his own expense, without wilful delay, and, if ordered, will pay to the person in whose favour the conviction, order or other proceeding is affirmed, his full costs and charges to be taxed according to the practice of the court where the conviction, order or proceeding is affirmed.

Provisions for forfeiture of recognizance apply.

(2) The provisions of Part XXII relating to forfeiture of recognizances apply to a recognizance entered into under this section.

Effect of order dismissing application to quash.

686. Where a motion to quash a conviction, order or other proceeding is refused, the order of the court refusing the application is sufficient authority for the clerk of the court forthwith to return the conviction, order or proceeding to the court from which or the person from whom it was removed, and for proceedings to be taken with respect thereto for the enforcement thereof.

Conviction, etc., not set aside for want of proof of order in council.

687. (1) No order, conviction or other proceeding shall be quashed or set aside, and no defendant shall be discharged, by reason only that evidence has not been given of a proclamation or order of the Governor in Council, or of rules, regulations or by-laws made by the Governor in Council under an Act of the Parliament of Canada, or of the publication in the *Canada Gazette* of a proclamation, order, rule, regulation or by-law.

Judicial notice.

(2) Proclamations, orders, rules, regulations and by-laws mentioned in subsection (1) and the publication thereof shall be judicially noticed.

Warrant of commitment not void for defect in form.

688. No warrant of committal shall, on *certiorari* or *habeas corpus*, be held to be void by reason only of any defect therein, where

(a) it is alleged in the warrant that the defendant was convicted, and

(b) there is a valid conviction to sustain the warrant.

685. Section 1126.

686. Section 1127.

687. Section 1128.

688. Section 1130.

No action against official when conviction, etc., quashed.

689. Where an application is made to quash a conviction, order or other proceeding made or held by a magistrate acting under Part XVI or a justice on the ground that he exceeded his jurisdiction, the court to which or the judge to whom the application is made may make it a condition of quashing the conviction, order or other proceeding that no civil proceedings shall be taken against the justice or magistrate or against any officer who acted under the conviction, order or other proceeding or under any warrant issued to enforce it.

Successive applications for *habeas corpus* not to be made.

690. (1) Where proceedings have been taken in respect of any person by way of *habeas corpus* arising out of a criminal matter and the relief sought has been refused, no further proceedings by way of *habeas corpus* arising out of that matter shall be taken in respect of that person before that judge or any other judge.

Saving.

(2) Nothing in this section limits or affects any provision of the *Supreme Court Act* that relates to writs of *habeas corpus* arising out of criminal matters.

Appeal in *habeas corpus*, etc.

691. (1) An appeal lies to the court of appeal from a decision granting or refusing the relief sought in proceedings by way of *habeas corpus*, *mandamus*, *certiorari* or prohibition.

Part XVIII applies.

(2) The provisions of Part XVIII apply, *mutatis mutandis*, to appeals under this section.

689. Section 1131.

690. New.

691. New.

PART XXIV.

SUMMARY CONVICTIONS.

Interpretation.

692. In this Part,

"Informant." (*a*) "informant" means a person who lays an information;

"Information." (*b*) "information" includes

(i) a count in an information, and

(ii) a complaint in respect of which a justice is authorized by an Act of the Parliament of Canada or an enactment made thereunder to make an order;

"Order." (*c*) "order" means any order, including an order for the payment of money;

"Proceedings." (*d*) "proceedings" means

(i) proceedings in respect of offences that are declared by an Act of the Parliament of Canada or an enactment made thereunder to be punishable on summary conviction, and

(ii) proceedings where a justice is authorized by an Act of the Parliament of Canada or an enactment made thereunder to make an order;

"Prosecutor." (*e*) "prosecutor" means an informant or the Attorney-General or their respective counsel or agents;

"Sentence." (*f*) "sentence" includes a direction made under section 638;

"Summary conviction court." (*g*) "summary conviction court" means a person who has jurisdiction in the territorial division where the subject matter of the proceedings is alleged to have arisen and who

(i) is given jurisdiction over the proceedings by the enactment under which the proceedings are taken,

(ii) is a justice or magistrate, where the enactment under which the proceedings are taken does not expressly give jurisdiction to any person or class of persons, or

(iii) is a magistrate, where the enactment under which the proceedings are taken gives jurisdiction in respect thereof to two or more justices; and

"Trial." (*h*) "trial" includes the hearing of a complaint.

Application of part. **693.** (1) Except where otherwise provided by law, this Part applies to proceedings as defined in this Part.

Limitation. (2) No proceedings shall be instituted more than six months after the time when the subject matter of the proceedings arose.

Punishment.

General penalty. **694.** (1) Except where otherwise expressly provided by law, every one who is convicted of an offence punishable on summary conviction is liable to a fine of not more than

692. Sections 705, 706, 707, 708 (5) and new.

693. (1) Section 706.

(2) Section 1142.

694. (1) Section 1052 (2).

five hundred dollars or to imprisonment for six months or to both.

Imprisonment in default where not otherwise specified.

(2) Where the imposition of a fine or the making of an order for the payment of money is authorized by law, but the law does not provide that imprisonment may be imposed in default of payment of the fine or compliance with the order, the court may order that in default of payment of the fine or compliance with the order, as the case may be, the defendant shall be imprisoned for a period of not more than six months.

Time for payment.

(3) A summary conviction court may direct that any fine, pecuniary penalty or sum of money adjudged to be paid shall be paid forthwith or at a time to be fixed by the summary conviction court.

INFORMATION.

Commencement of proceedings.

695. (1) Proceedings under this Part shall be commenced by laying an information in Form 2.

One justice may act before the trial.

(2) Notwithstanding any other law that requires an information to be laid before or to be tried by two or more justices, one justice may

(a) receive the information,

(b) issue a summons or warrant with respect to the information, and

(c) do all other things preliminary to the trial.

Formalities of information.

696. (1) In proceedings to which this Part applies, the information

(a) shall be in writing and under oath, and

(b) may charge more than one offence or relate to more than one matter of complaint, but where more than one offence is charged or the information relates to more than one matter of complaint, each offence or matter of complaint, as the case may be, shall be set out in a separate count.

No reference to previous conviction.

(2) No information in respect of an offence for which, by reason of previous convictions, a greater punishment may be imposed shall contain any reference to previous convictions.

Any justice may act before and after trial.

697. (1) Nothing in this Act or any other law shall be deemed to require a justice before whom proceedings are commenced or who issues process before or after the trial, to be the justice or one of the justices before whom the trial is held.

Two or more justices.

(2) Where two or more justices have jurisdiction with respect to proceedings they shall be present and act together at the trial, but one justice may thereafter do anything that is required or is authorized to be done in connection with the proceedings.

(2) and (3). Section 739.

695. Sections 708 (1) and 710 (in part).

696. Section 710 (in part) and new.

697. Section 708 (2), (3) and (4).

Adjournment.

(3) Subject to section 698, in proceedings under this Part no summary conviction court other than the summary conviction court by which the plea of an accused is taken has jurisdiction for the purposes of the hearing and adjudication, but any justice may

(a) adjourn the proceedings at any time before the plea of the accused is taken, or

(b) adjourn the proceedings at any time after the plea of the accused is taken for the purpose of enabling the proceedings to be continued before the summary conviction court by which the plea was taken.

Inability of justice to continue.

698. (1) Where a trial under this Part is commenced before a summary conviction court and a justice who is or is a member of that summary conviction court dies or is, for any reason, unable to continue the trial, another justice who is authorized to be, or to be a member of, a summary conviction court for the same territorial division may act in the place of the justice before whom the trial was commenced.

Continuing trial.

(2) A justice who, pursuant to subsection (1), acts in the place of a justice before whom a trial was commenced

(a) shall, if an adjudication has been made by the summary conviction court, impose the punishment or make the order that, in the circumstances, is authorized by law, or

(b) shall, if an adjudication has not been made by the summary conviction court, commence the trial again as a trial *de novo*.

Duty of court where common assault is charged.

699. Where a defendant is charged with common assault and, before the defendant enters upon his defence, the summary conviction court is, from the evidence, of the opinion

(a) that the assault complained of was accompanied by an attempt to commit an indictable offence other than common assault or was committed in the course of the commission of an indictable offence other than common assault, or

(b) that the defendant should, for any reason, be prosecuted by indictment,

the summary conviction court shall not adjudicate thereon, but the proceedings shall be continued as for an indictable offence and the defendant shall be informed accordingly.

Summons and Warrant.

Compelling appearance.

700. (1) The provisions of Parts XIV and XV with respect to compelling the appearance of an accused before a justice apply, *mutatis mutandis*, to proceedings under this Part.

Copy of warrant to be served.

(2) Where a warrant is issued in the first instance for the arrest of a defendant, a copy thereof shall be served on the person who is arrested thereunder.

698. New.

699. Sections 709 and 732.

700. Section 711.

57325—31

Defects and Objections.

Proceedings not objectionable on certain grounds. Particulars.

701. (1) Sections 492 and 493 apply, *mutatis mutandis*, to informations in respect of proceedings as defined in this Part.

(2) The summary conviction court may, if it is satisfied that it is necessary for a fair trial, order that a particular, further describing any matter relevant to the proceedings, be furnished to the defendant.

Prosecutor need not negative exception, etc.

702. (1) No exception, exemption, proviso, excuse or qualification prescribed by law is required to be set out or negatived, as the case may be, in an information.

Burden of proving exception, etc., on defendant.

(2) The burden of proving that an exception, exemption, proviso, excuse or qualification prescribed by law operates in favour of the defendant is on the defendant, and the prosecutor is not required to prove that the exception, exemption, proviso, excuse or qualification does not operate in favour of the defendant, whether or not it is set out in the information.

Process not objectionable on certain other grounds.

703. No information, summons, conviction, order or process shall be deemed to charge two offences or to be uncertain by reason only that it states that the alleged offence was committed

(a) in different modes, or

(b) in respect of one or other of several articles, either conjunctively or disjunctively.

Amending defective information.

704. (1) An objection to an information for a defect apparent on its face shall be taken by motion to quash the information before the defendant has pleaded, and thereafter only by leave of the summary conviction court before which the trial takes place.

Amendment where variance.

(2) A summary conviction court may, upon the trial of an information, amend the information or a particular that is furnished under section 701, to make the information or particular conform to the evidence if there appears to be a variance between the evidence and

(a) the charge in the information, or

(b) the charge in the information

(i) as amended, or

(ii) as it would have been if amended in conformity with any particular that has been furnished pursuant to section 701.

(3) A summary conviction court may, at any stage of the trial, amend the information as may be necessary if it appears

Information under wrong Act.

(a) that the information has been laid

701. Section 723.

702. Section 717.

703. Section 725.

704. Section 724.

(i) under another Act of the Parliament of Canada instead of this Act, or

(ii) under this Act instead of another Act of the Parliament of Canada; or

(b) that the information

Defective statement. (i) fails to state or states defectively anything that is requisite to constitute the offence,

Exception not negatived. (ii) does not negative an exception that should be negatived,

Defect in substance. (iii) is in any way defective in substance,

and the matters to be alleged in the proposed amendment are disclosed by the evidence taken on the trial; or

Defect in form. *(c)* that the information is in any way defective in form.

Variance not material. (4) A variance between the information and the evidence taken on the trial is not material with respect to

As to time. *(a)* the time when the offence is alleged to have been committed, if it is proved that the information was laid within the prescribed period of limitation, or

As to place. *(b)* the place where the subject matter of the proceedings is alleged to have arisen, if it is proved that it arose within the territorial jurisdiction of the summary conviction court that holds the trial.

What to be considered. (5) The summary conviction court shall, in considering whether or not an amendment should be made, consider

(a) the evidence taken on the trial, if any,

(b) the circumstances of the case,

(c) whether the defendant has been misled or prejudiced in his defence by a variance, error or omission mentioned in subsection (2) or (3), and

(d) whether, having regard to the merits of the case, the proposed amendment can be made without injustice being done.

Adjournment if defendant prejudiced. (6) Where in the opinion of the summary conviction court the defendant has been misled or prejudiced in his defence by an error or omission in the information, the summary conviction court may adjourn the trial and may make such an order with respect to the payment of costs resulting from the necessity of amendment as it considers desirable.

Trial.

Jurisdiction. **705.** Every summary conviction court has jurisdiction to try, determine and adjudge proceedings to which this Part applies in the territorial division over which the person who constitutes that court has jurisdiction.

Non-appearance of prosecutor. **706.** Where, in proceedings to which this Part applies, the defendant appears for the trial and the prosecutor,

705. Section 707.

706. Section 719.

having had due notice, does not appear, the summary conviction court may dismiss the information or may adjourn the trial to some other time upon such terms as it considers proper.

When both parties appear.

707. (1) Where the prosecutor and defendant appear, the summary conviction court shall proceed to hold the trial.

Counsel or agent.

(2) A defendant may appear personally or by counsel or agent, but the summary conviction court may require the defendant to appear personally and may, if it thinks fit, issue a warrant in Form 7 for the arrest of the defendant, and adjourn the trial to await his appearance pursuant thereto.

Appearance by corporation.

(3) Where the defendant is a corporation it shall appear by counsel or agent, and if it does not appear, the summary conviction court may, upon proof of service of the summons, proceed *ex parte* to hold the trial.

Arraignment.

708. (1) Where the defendant appears the substance of the information shall be stated to him, and he shall be asked,

(a) whether he pleads guilty or not guilty to the information, where the proceedings are in respect of an offence that is punishable on summary conviction, or

(b) whether he has cause to show why an order should not be made against him, in proceedings where a justice is authorized by law to make an order.

Conviction or order if charge admitted.

(2) Where the defendant pleads guilty or does not show sufficient cause why an order should not be made against him, as the case may be, the summary conviction court shall convict him or make an order against him accordingly.

Procedure if charge not admitted.

(3) Where the defendant pleads not guilty or states that he has cause to show why an order should not be made against him, as the case may be, the summary conviction court shall proceed with the trial, and shall take the evidence of witnesses for the prosecutor and the defendant in accordance with the provisions of Part XV relating to preliminary inquiries, but it is not necessary for the witnesses to sign their depositions.

Separating trial of counts.

(4) The summary conviction court may, before or during the trial, where it is satisfied that the ends of justice require it, direct that the defendant be tried separately upon one or more of the counts in the information.

Admission by defendant.

(5) A defendant may admit any fact alleged against him for the purpose of dispensing with proof thereof.

Right to make full answer and defence.

709. (1) The prosecutor is entitled personally to conduct his case, and the defendant is entitled to make his full answer and defence.

707. Section 720.

708. Section 721.

709. Sections 715 and 716 (1).

Examination of witnesses.

(2) The prosecutor or defendant, as the case may be, may examine and cross-examine witnesses personally or by counsel or agent.

On oath.

(3) Every witness at a trial in proceedings to which this Part applies shall be examined under oath.

Adjournment.

710. (1) The summary conviction court may, in its discretion, before or during the trial, adjourn the trial to a time and place to be appointed and stated in the presence of the parties or their respective counsel or agents, but no such adjournment shall, except with the consent of both parties, be for more than eight days.

Security for appearance of defendant.

(2) Where the summary conviction court adjourns a trial it may

(a) permit the defendant to be at large,

(b) commit him by warrant in Form 14 to a prison within the territorial division for which the summary conviction court has jurisdiction or to such other safe custody as the summary conviction court thinks fit, or

(c) discharge the defendant upon his recognizance in Form 28,

(i) with or without sureties, or

(ii) upon depositing such sum of money as the court directs,

conditioned for his appearance at the time and place fixed for resumption of the trial.

Non-appearance of defendant.

(3) Where the defendant does not appear at the time and place appointed for the trial, and service of the summons within a reasonable period before the appearance was required is proved, or does not appear for the resumption of a trial that has been adjourned in accordance with subsection (1), the summary conviction court

Proceeding *ex parte*.

(a) may proceed *ex parte* to hear and determine the proceedings in the absence of the defendant as fully and effectually as if the defendant had appeared, or

Warrant.

(b) may, if it thinks fit, issue a warrant in Form 8 or 9, as the case may be, for the arrest of the defendant, and adjourn the trial to await his appearance pursuant thereto.

Non-appearance of prosecutor.

(4) Where the prosecutor does not appear at the time and place appointed for the resumption of an adjourned trial, the summary conviction court may dismiss the information with or without costs.

ADJUDICATION.

Conviction, order or dismissal.

711. When the summary conviction court has heard the prosecutor, defendant and witnesses it shall, after

710. Sections 718 and 722.

711. Section 726.

considering the matter, convict the defendant or make an order against him or dismiss the information, as the case may be.

Previous conviction.

712. (1) Where a defendant is convicted of an offence for which a greater punishment may be imposed by reason of previous convictions, no greater punishment shall be imposed upon him by reason thereof unless the prosecutor satisfies the summary conviction court that the defendant, before making his plea, was notified that a greater punishment would be sought by reason thereof.

Procedure where previous conviction charged.

(2) Where a defendant is convicted of an offence for which a greater punishment may be imposed by reason of previous convictions, the summary conviction court shall, upon application by the prosecutor, and upon being satisfied that the defendant was notified in accordance with subsection (1), ask the defendant whether he was previously convicted, and if he does not admit that he was previously convicted, evidence of previous convictions may be adduced.

Where hearing *ex parte*.

(3) A summary conviction court that holds a trial pursuant to subsection (3) of section 710 may, if it convicts the defendant, make inquiries with respect to previous convictions, whether or not the defendant was notified that a greater punishment would be sought by reason thereof.

Proof of previous conviction.

(4) For the purposes of this section, a previous conviction may be proved in the manner prescribed by section 574.

Memo. of conviction or order.

713. (1) Where a defendant is convicted or where an order is made against him, a minute or memorandum of the conviction or order may be made, without fee, but whether or not a minute or memorandum is made, the conviction or order shall be drawn up by the summary conviction court in Form 31 or 32, as the case may be.

Forms.

Warrant of committal.

(2) Where a defendant is convicted or an order is made against him, the summary conviction court may issue a warrant of committal in Form 18 or 19, and section 447 applies in respect of a warrant of committal issued under this subsection.

Disposal of penalties when joint offenders.

714. Where several persons join in committing the same offence and upon conviction each is adjudged to pay an amount to a person aggrieved, no more shall be paid to that person than an amount equal to the value of the property destroyed or injured or the amount of the injury done, together with costs, if any, and the residue of the amount adjudged to be paid shall be applied in the manner in which other penalties imposed by law are directed to be applied.

Order of dismissal.

715. (1) Where the summary conviction court dismisses an information it may, if requested by the defendant,

712. Sections 721A and 753.

713. Section 727.

714. Section 728.

715. Section 730.

Forms.

draw up an order of dismissal, and shall give to the defendant a certified copy of the order of dismissal.

Effect of certificate.

(2) A copy of an order of dismissal, certified in accordance with subsection (1) is, without further proof, a bar to any subsequent proceedings against the defendant in respect of the same cause.

Costs.

716. (1) The summary conviction court may in its discretion award and order such costs as it considers reasonable and not inconsistent with the fees established by section 744, to be paid

To informant.

(a) to the informant by the defendant, where the summary conviction court convicts or makes an order against the defendant, or

To defendant.

(b) to the defendant by the informant, where the summary conviction court dismisses an information.

To be set out.

(2) An order under subsection (1) shall be set out in the conviction, order or order of dismissal, as the case may be.

Costs are part of fine.

(3) Where a fine or sum of money or both are adjudged to be paid by a defendant, and a term of imprisonment in default of payment is imposed, the defendant is, in default of payment, liable to serve the term of imprisonment imposed, and for the purposes of this subsection, any costs that are awarded against the defendant shall be deemed to be part of the fine or sum of money adjudged to be paid.

Where no fine imposed.

(4) Where no fine or sum of money is adjudged to be paid by a defendant, but costs are awarded against the defendant or informant, the person who is liable to pay them is, in default of payment, liable to imprisonment for one month.

Definition.

(5) In this section, "costs" includes the costs and charges, after they have been ascertained, of committing and conveying to prison the person against whom costs have been awarded.

Sureties to Keep the Peace.

Where injury or damage feared.

717. (1) Any person who fears that another person will cause personal injury to him or his wife or child or will damage his property may lay an information before a justice.

Duty of justice.

(2) A justice who receives an information under subsection (1) shall cause the parties to appear before him or before a summary conviction court having jurisdiction in the same territorial division.

Adjudication.

(3) The justice or the summary conviction court before which the parties appear may, if satisfied by the evidence adduced that the informant has reasonable grounds for his fears,

716. Sections 735 to 738.

717. Section 748 (2) to (5).

Recognizance.

(a) order that the defendant enter into a recognizance, with or without sureties, to keep the peace and be of good behaviour for any period that does not exceed twelve months, or

Committal in default.

(b) commit the defendant to prison for a term not exceeding twelve months if he fails or refuses to enter into the recognizance.

Forms.

(4) A recognizance and committal to prison in default of recognizance under subsection (3) may be in Forms 28 and 20, respectively.

Procedure.

(5) The provisions of this Part apply, *mutatis mutandis*, to proceedings under this section.

Breach of recognizance.

718. A person bound by recognizance under section 717 who commits a breach of the recognizance is guilty of an offence punishable on summary conviction.

APPEAL.

719. For the purposes of sections 720 to 732, "appeal court" means

P.E. Island, Newfoundland.

(a) in the Provinces of Prince Edward Island and Newfoundland, the Supreme Court,

Nova Scotia, New Brunswick, Manitoba.

(b) in the Provinces of Nova Scotia, New Brunswick and Manitoba, the county court of the district or county where the cause of the proceedings arose,

Quebec.

(c) in the Province of Quebec, the Superior Court,

Ontario.

(d) in the Province of Ontario, the county court of the district or county or group of counties where the cause of the proceedings arose,

Saskatchewan, Alberta.

(e) in the Provinces of Saskatchewan and Alberta, the district court of the judicial district or sub-judicial district in which the cause of the proceedings arose,

British Columbia.

(f) in the Province of British Columbia, the county court of the county in which the cause of the proceedings arose, and

Territories.

(g) in the Yukon Territory and Northwest Territories, a judge of the Territorial Court.

Appeal.

720. Except where otherwise provided by law,

By defendant.

(a) the defendant in proceedings under this Part may appeal to the appeal court

(i) from a conviction or order made against him, or

(ii) against a sentence passed upon him; and

By informant or Attorney General.

(b) the informant or the Attorney General in proceedings under this Part may appeal to the appeal court

(i) from an order dismissing an information, or

(ii) against a sentence passed upon a defendant,

718. New.

719. Section 749 (1).

720. Section 749 (1).

and the Attorney General of Canada has the same rights of appeal in proceedings instituted at the instance of the Government of Canada and conducted by or on behalf of that government as the Attorney General of a province has under this paragraph.

British Columbia.

721. (1) In the province of British Columbia, an appeal under section 720 shall be heard at the sittings of the appeal court that is held nearest to the place where the cause of the proceedings arose.

Alberta, Saskatchewan.

(2) In the provinces of Alberta and Saskatchewan an appeal under section 720 shall be heard at the sittings of the appeal court that is held nearest to the place where the cause of the proceedings arose, but the judge of the appeal court may, on the application of one of the parties, appoint a place for the hearing of the appeal.

Yukon, N.W. Territories.

(3) In the Yukon Territory and the Northwest Territories, an appeal under section 720 shall be heard at the place where the cause of the proceedings arose or at the place nearest thereto where a court is appointed to be held.

Notice of appeal.

722. (1) Where an appeal is taken under section 720, the appellant shall

Contents.

(a) prepare a notice of appeal in writing setting forth

(i) with reasonable certainty the conviction or order appealed from or the sentence appealed against, and

(ii) the grounds of appeal;

Service.

(b) cause the notice of appeal to be served upon

(i) the summary conviction court that made the conviction or order or imposed the sentence, and

(ii) the respondent,

within thirty days after the conviction or order was made or the sentence was imposed; and

Filing.

(c) file in the office of the clerk of the appeal court

(i) the notice of appeal referred to in paragraph *(a)*, and

(ii) an affidavit of service of the notice of appeal,

not later than seven days after the last day for service of the notice of appeal upon the respondent and the summary conviction court.

Time for service and filing.

(2) In the Northwest Territories, the appeal court may fix, before or after the expiration of the periods fixed by paragraphs *(b)* and *(c)* of subsection (1), a further period not exceeding thirty days within which service and filing may be effected.

Alternative service.

(3) Where the respondent is a person engaged in enforcement of the law under which the conviction or order was made or the sentence was imposed, the appeal court may direct that a copy of the notice of appeal referred to in

721. Section 749 (1).

722. Section 750 *(b)*.

subsection (1) be served upon a person other than the respondent, and where the appeal court so directs, that service shall, for the purposes of this section and section 723, be deemed to be service upon the respondent.

Setting down appeal.

723. (1) Where an appellant has complied with section 722, the appeal court shall set down the appeal for hearing at a regular or special sittings thereof and the clerk of the appeal court shall post, in a conspicuous place in his office, a notice of every appeal that has been set down for hearing and notice of the time when it will be heard.

Exception.

(2) No appeal shall be set down for hearing at a time that is less than ten days after the time when service was effected upon the respondent of the notice referred to in paragraph *(b)* of subsection (1) of section 722, unless the parties or their counsel or agents otherwise agree in writing.

SECURITY BY APPELLANT.

Where appeal from conviction imposing imprisonment.

724. (1) The following provisions apply in respect of appeals to the appeal court, namely,

(a) where an appeal is from a conviction imposing imprisonment without alternative punishment the appellant shall

(i) remain in custody until the appeal is heard, or

(ii) enter into a recognizance;

Where appeal from conviction adjudging imprisonment in default.

(b) where an appeal is from a conviction or order adjudging that a fine or sum of money be paid and imposing a term of imprisonment in default of payment, the appellant shall

(i) remain in custody until the appeal is heard,

(ii) enter into a recognizance, or

(iii) deposit with the summary conviction court the amount of the fine or the sum of money to be paid and an additional amount that, in the opinion of the summary conviction court, is sufficient to cover the costs of the appeal;

Where appeal from conviction adjudging fine but not imprisonment.

(c) where an appeal is from a conviction or order adjudging that a fine or sum of money be paid but not imposing a term of imprisonment in default of payment, the appellant shall comply with subparagraph (ii) or (iii) of paragraph *(b)*; and

Where appeal from dismissal of complaint.

(d) where an appeal is from an order other than an order for the payment of money or is from an order dismissing an information, the appellant shall, unless he is the Attorney General of Canada or of a province, enter into a recognizance in an amount, or deposit with the summary conviction court an amount that, in the opinion of that court, is sufficient to cover the costs of the appeal.

723. New.

724. Section 750 *(c)*.

Formalities of recognizance.

(2) A recognizance under this section

(a) shall be in Form 28,

(b) shall be entered into before a judge of the county or district court, or a justice having jurisdiction in the territorial division in which the conviction or order was made,

(c) may be required to be entered into with one or more sureties, and

(d) may, where it is not entered into by one or more sureties, be required to be accompanied by a deposit of such sum of money as the summary conviction court that made the conviction or order has directed.

Conditions.

(3) The condition of a recognizance under this section shall be that

(a) the appellant, if he was the defendant in the proceedings before the summary conviction court, will appear personally at the sittings of the appeal court at which the appeal is to be heard,

(b) the appellant, if he was the prosecutor in the proceedings before the summary conviction court, will appear personally or by counsel at the sittings of the appeal court at which the appeal is to be heard,

(c) the appellant will abide the judgment of the appeal court on the appeal, and

(d) the appellant will pay any costs that are awarded against him.

New recognizance.

(4) An appeal court has, with respect to a recognizance that appears to it to be insufficient, defective or invalid, the same powers that a superior court has under subsection (5) of section 735.

Release of appellant.

(5) Where an appellant is in custody an order for discharge in Form 35 shall, when a recognizance is entered into under this section, be issued by the person who takes the recognizance.

Payment of fine not a waiver of appeal.

725. (1) A person does not waive his right of appeal under section 720 by reason only that he pays the fine imposed upon conviction, without in any way indicating an intention to appeal or reserving the right to appeal.

Presumption.

(2) A conviction, order or sentence shall be deemed not to have been appealed against until the contrary is shown.

PROCEDURE ON APPEAL.

Transmission of conviction, etc.

726. (1) Where a summary conviction court is served with a copy of the notice referred to in paragraph *(b)* of subsection (1) of section 722, that court shall transmit the conviction, order or order of dismissal and all other material in its possession in connection with the proceedings to the appeal court before the time when the appeal is to be heard, or within such further time as the appeal court may direct, and the material shall be kept by the clerk of the court with the records of the appeal court.

725. (1) Section 750 *(g)*.

(2) Section 757 (2).

726. (1) Section 757 (1).

Saving.

(2) An appeal shall not be dismissed by the appeal court by reason only that some person other than the appellant failed to comply with the provisions of this Part relating to appeals.

Appellant to furnish transcript of evidence.

(3) Where the evidence upon a trial before a summary conviction court has been taken by a stenographer duly sworn, the appellant shall, unless the appeal court otherwise orders, cause a transcript thereof, certified by the stenographer, to be furnished to the appeal court for use upon the appeal.

Further evidence.

727. (1) Where an appeal has been lodged in accordance with this Part, the appeal court shall hear and determine the appeal upon the evidence taken at the trial but may

(a) order any witness who would have been a compellable witness at the trial, whether or not he was called at the trial, to attend and be examined, and

(b) order the production of any writing, exhibit or other thing connected with the proceedings.

Powers of court.

(2) Where an appeal is taken against a conviction for an offence the appeal court

Allowance of appeal from conviction.

(a) may allow the appeal if it is of opinion that

(i) the conviction should be set aside on the ground that it is unreasonable or cannot be supported by the evidence,

(ii) the judgment of the summary conviction court should be set aside on the ground that it is a wrong decision on a question of law, or

(iii) on any ground there has been a miscarriage of justice; or

Dismissal of appeal from conviction.

(b) may dismiss the appeal

(i) if it is of opinion that the appellant, notwithstanding that he was not properly convicted on a count or part of the information, was properly convicted on another count or part of the information,

(ii) if it is of opinion that the appellant could, on the information, have been found guilty of an offence other than that of which he was convicted, and that the summary conviction court must have been satisfied that the evidence proved that the appellant was guilty of that other offence,

(iii) if the appeal is not decided in favour of the appellant on any ground mentioned in paragraph *(a)*, or

(iv) if, notwithstanding that the appeal court is of opinion that on any ground mentioned in paragraph *(a)* the appeal might be decided in favour of the appellant, it is of opinion that no substantial wrong or miscarriage of justice has occurred.

(2) New.

(3) New.

727. New in part.

Powers on appeal from dismissal of information.

(3) Where an appeal is taken from the dismissal of an information for an offence the appeal court may

(a) dismiss the appeal, or

(b) allow the appeal and enter a verdict of guilty with respect to the offence of which in its opinion the appellant ought to have been found guilty, and pass a sentence that is warranted in law.

Powers on appeal from dismissal of complaint.

(4) Where an appeal is taken against an order or is taken from the dismissal of an information seeking an order the appeal court may dismiss the appeal in whole or in part and make the order that ought to have been made.

Appeal against sentence.

(5) Where an appeal is taken against sentence, the appeal court shall, unless the sentence is one fixed by law, consider the fitness of the sentence appealed against, and may upon such evidence, if any, as it thinks fit to require or receive,

(a) dismiss the appeal, or

(b) vary the sentence within the limits prescribed by law for the offence of which the defendant was convicted.

Appeals on matters of form.

(6) The following provisions apply in respect of appeals, namely,

(a) where an appeal is based on an objection to an information or any process, judgment shall not be given in favour of the appellant

(i) for any alleged defect therein in substance or in form, or

(ii) for any variance between the information, or process and the evidence adduced at the trial,

unless it is shown

Objection must have been taken below.

(iii) that the objection was taken at the trial, and

(iv) that an adjournment of the trial was refused notwithstanding that the variance referred to in subparagraph (ii) had deceived or misled the appellant;

Defect.

(b) where an appeal is based on a defect in a conviction or order, judgment shall not be given in favour of the appellant, but the court shall make an order curing the defect; or

Correcting punishment.

(c) where an appeal is based on an allegation that the sentence imposed or the amount to be paid under an order for the payment of money was in excess of or less than that which might lawfully have been imposed or ordered to be paid, judgment shall not be given in favour of the appellant, but the court shall impose the sentence or fix the amount that is warranted in law.

Adjournment.

728. The appeal court may adjourn the hearing of the appeal from time to time as may be necessary.

(5) Section 754 (1).

(6) Section 753.

728. Section 751 (3).

Dismissal for want of prosecution.

729. The appeal court may, upon proof that notice of an appeal has been given and that the appeal has not been proceeded with or has been abandoned, order that the appeal be dismissed.

Costs.

730. Where an appeal is heard and determined or is abandoned or is dismissed for want of prosecution, the appeal court may make any order with respect to costs that it considers just and reasonable.

To whom costs payable, and when.

731. (1) Where the appeal court orders the appellant or respondent to pay costs, the order shall direct that the costs be paid to the clerk of the court, to be paid by him to the person entitled to them, and shall fix the period within which the costs shall be paid.

Application of deposit.

(2) Where costs are awarded against an appellant who has made a deposit to cover costs, the amount of the deposit shall be applied towards payment of costs.

Certificate of non-payment of costs.

(3) Where costs are not paid in full within the period fixed for payment and the person who has been ordered to pay them has not been bound by a recognizance to pay them, the clerk of the court shall, upon application by the person entitled to the costs, or by any person on his behalf, and upon payment of any fee to which the clerk of the court is entitled, issue a certificate in Form 38 certifying that the costs or a part thereof, as the case may be, have not been paid.

Committal.

(4) A justice having jurisdiction in the territorial division in which a certificate has been issued under subsection (3) may, upon production of the certificate, by warrant in Form 23, commit the defaulter to imprisonment for a term not exceeding one month, unless the amount of the costs and, where the justice thinks fit so to order, the costs of the committal and of conveying the defaulter to prison are sooner paid.

Enforcement of conviction or order by court of appeal.

732. (1) A conviction or order made by the appeal court may be enforced

(a) in the same manner as if it had been made by the summary conviction court, or

(b) by process of the appeal court.

Enforcement by justice.

(2) Where an appeal taken against a conviction or order adjudging payment of a sum of money is dismissed, the summary conviction court that made the conviction or order or a justice for the same territorial division may issue a warrant of committal as if no appeal had been taken.

Duty of clerk of court.

(3) Where a conviction or order that has been made by an appeal court is to be enforced by a justice, the clerk of the appeal court shall send to the justice the conviction or order and all writings relating thereto, except the notice of intention to appeal and any recognizance.

729. Section 760 (in part).

730. Sections 755 (1) in part and 760 in part.

731. (1) Section 758.

(2) Section 751 (2).

(3) Section 759 (1).

(4) Section 759 (2).

732. Sections 754 (2) and (3), 756 and 757 (4).

"Court."

733. For the purposes of sections 734 to 742, "superior court" means the superior court of criminal jurisdiction for the province in which the proceedings in respect of which a case is sought to be stated are carried on.

Application for stated case.

734. (1) A party to proceedings to which this Part applies or the Attorney General may appeal against a conviction, order, determination or other proceeding of a summary conviction court on the ground that

Grounds.

(a) it is erroneous in point of law, or

(b) it is in excess of jurisdiction,

by applying to the summary conviction court to state a case setting forth the facts as found by that court and the grounds on which the proceedings are questioned.

Rules of court, if any, to apply.

(2) An application to state a case shall be made and the case shall be stated within the period and in the manner directed by rules of court, if any, and where there are no rules of court otherwise providing, the following rules apply, namely,

Time and manner of application.

(a) the application

(i) shall be in writing and be directed to the summary conviction court,

(ii) shall be served upon the summary conviction court by leaving with that court a copy thereof within seven clear days after the time when the adjudication that is questioned was made;

When case to be stated.

(b) the case shall be stated and signed by the summary conviction court

(i) within one month after the time when the application was made, and

(ii) after the recognizance referred to in section 735 has been entered into; and

Delivery of stated case.

(c) the appellant shall, within seven days after receiving the stated case,

(i) give to the respondent a notice in writing of the appeal with a copy of the stated case, and

(ii) transmit the stated case to the superior court.

Right of Attorney General of Canada to appeal.

(3) The Attorney General of Canada has the same rights of appeal in proceedings instituted at the instance of the Government of Canada and conducted by or on behalf of that government as the Attorney General of a province has under this section.

Recognizance by appellant.

735. (1) The appellant shall, at the time he makes the application and before a case is stated, enter into a recognizance in Form 28 before the summary conviction court or a justice having the same jurisdiction, with or without sureties and in an amount that the summary conviction court or the justice considers proper, conditioned to prosecute

733. Section 705 *(e)*.

734. Section 761.

735. Section 762 (1), (2) and (3).

his appeal without delay and to submit to the judgment of the superior court and to pay any costs that are awarded against him, or in lieu of furnishing sureties, make a cash deposit as the summary conviction court or the justice may direct.

Justice's fees.

(2) The appellant shall, before the stated case is delivered to him, pay to the summary conviction court or the justice the fees to which they are entitled.

Exception.

(3) Subsections (1) and (2) do not apply where the application is made by the Attorney General of Canada or the Attorney General of a province or by counsel acting on behalf of either of them.

Discharge of appellant from custody.

(4) Where an appellant is in custody the summary conviction court or the justice shall order that he be released if his recognizance contains a further condition that he will appear before that court or another summary conviction court within ten days after the judgment of the superior court has been given, to abide the judgment, unless the judgment from which the appeal is taken is reversed.

New recognizance.

(5) Where the recognizance appears to the superior court to be insufficient, defective or invalid, the superior court may permit the substitution of a new and sufficient recognizance, to be entered into before it and for that purpose may allow such time and make such examination and impose such terms with respect to the payment of costs as it considers just and reasonable, and the substituted recognizance shall, for all purposes, be as valid and effectual as if it had been entered into at the time the appellant made the application and before the case was stated.

Procedure when justice dies or quits office.

736. (1) Where, pending an application for a stated case, a justice who was, or was a member of, the summary conviction court dies or quits office, the appellant may, upon giving notice to the respondent, apply to the superior court to state a case, and if a case is thereupon stated it shall be dealt with as if it had been stated by the summary conviction court.

Recognizance.

(2) The appellant shall, before a case is stated by the superior court under this section, enter into a recognizance as provided in section 735.

Refusal to state a case.

737. Where a summary conviction court, to which an application to state a case is made, considers that the application is frivolous, it may refuse to state a case and shall, at the request of the appellant, issue to him a certificate of the refusal, but the summary conviction court shall not refuse to state a case where the application is made by or at the direction of the Attorney General of Canada or the Attorney General of a province or counsel acting on behalf of either of them.

736. Section 762 (4) and (5).

737. Section 763.

Compelling statement of case.

738. (1) Where a summary conviction court refuses to state a case, the appellant may apply to the superior court, upon an affidavit setting out the facts, for an order directing the summary conviction court and the respondent to show cause why a case should not be stated.

Order.

(2) Where an application is made under subsection (1), the superior court may make the order or dismiss the application, with or without payment of costs by the appellant or the summary conviction court, as it considers appropriate in the circumstances.

Case to be stated.

(3) Where an order is made under this section, the summary conviction court shall, upon being served with a copy thereof and upon the appellant entering into a recognizance pursuant to subsection (1) of section 735, state a case accordingly.

No *certiorari* required.

739. No writ of *certiorari* or other writ is required to remove any conviction, order or other determination in relation to which a case is stated for the purpose of obtaining the judgment, determination or opinion of the superior court.

Powers of court hearing appeal.

740. (1) Where a case is stated under this Part, the superior court shall hear and determine the grounds of appeal and may

(a) affirm, reverse or modify the conviction, order or determination,

(b) cause the case to be sent back to the summary conviction court for amendment and deliver judgment after it has been amended, or

(c) remit the matter to the summary conviction court with the opinion of the superior court,

and may make

(d) any other order in relation to the matter that it considers proper, and

Costs.

(e) any order, with respect to costs, that it considers proper, but except as provided in subsection (2) of section 738, no order for the payment of costs shall be made against a summary conviction court that states a case.

Authority of judge.

(2) The authority and jurisdiction of the superior court to which a case is stated may, where that authority and jurisdiction may be exercised by a judge of that court, subject to any rules of court in relation thereto, be exercised by a judge of the court sitting in chambers as well in vacation as in term time.

738. Section 764.

739. Section 768.

740. Sections 765 and 766.

57325—33

Enforcement of adjudication.

741. (1) Where the superior court has rendered its decision on a stated case, the summary conviction court in relation to whose adjudication the case has been stated or a justice exercising the same jurisdiction has the same authority to enforce a conviction, order or determination that has been affirmed, amended or made by the superior court as the summary conviction court would have had if a case had not been stated.

Idem.

(2) An order of the superior court may be enforced by its own process.

Statement of case precludes appeal.

742. (1) Every person for whom a case is stated in respect of an adjudication of a summary conviction court from which he is entitled to an appeal under section 720 shall be taken to have abandoned all his rights of appeal under that section.

No case to be stated when no appeal.

(2) Where it is provided by law that no appeal lies from a conviction or order, no appeal by way of a stated case lies from such a conviction or order.

Appeals to Court of Appeal.

On question of law.

743. (1) An appeal to the court of appeal, as defined in section 581 may, with leave of the court of appeal, be taken on any ground that involves a question of law alone, against

(a) a decision of a court in respect of an appeal under section 727, or

(b) a decision of a superior court in respect of a stated case under section 740, except where the superior court to which the case was stated is the court of appeal.

Sections applicable.

(2) Sections 581 to 589 apply, *mutatis mutandis*, to an appeal under this section.

Costs.

(3) Notwithstanding subsection (2), the court of appeal may make any order with respect to costs that it considers proper in relation to an appeal under this section.

Enforcement of decision.

(4) The decision of the court of appeal may be enforced in the same manner as if it had been made by the summary conviction court before which the proceedings were originally heard and determined.

Fees and Allowances.

Fees and allowances.

744. The fees and allowances mentioned in the Schedule to this Part and no others are the fees and allowances that may be taken or allowed in proceedings before summary conviction courts and justices under this Part.

741. Section 767.

742. Section 769.

743. Section 769A.

744. Section 770.

SCHEDULE.

Fees and Allowances that may be Charged by Summary Conviction Courts and Justices.

1.	Information	$1.00
2.	Summons or warrant	0.50
3.	Warrant where summons issued in first instance.	0.30
4.	Each necessary copy of summons or warrant...	0.30
5.	Each subpoena or warrant to or for witnesses... (A subpoena may contain any number of names. Only one subpoena may be issued on behalf of a party in any proceeding, unless the summary conviction court or the justice considers it necessary or desirable that more than one subpoena be issued.).	0.30
6.	Information for warrant for witness and warrant for witness	1.00
7.	Each necessary copy of subpoena to or warrant for witness	0.20
8.	Each recognizance	1.00
9.	Hearing and determining proceeding	1.00
10.	Where hearing lasts more than two hours	2.00
11.	Where two or more justices hear and determine a proceeding, each is entitled to the fee authorized by item 9.	
12.	Each warrant of committal	0.50
13.	Making up record of conviction or order upon request of a party to the proceedings	1.00
14.	Copy of a writing other than a conviction or order, upon request of a party to the proceedings; for each folio of one hundred words.	0.10
15.	Bill of costs, when made out in detail upon request of a party to the proceedings	0.20
(Items 14 and 15 may be charged only where there has been an adjudication.)		
16.	Attending to remand prisoner	1.00
17.	Attending to take recognizance of bail	1.00

Fees and Allowances that may be Allowed to Peace Officers.

18.	Arresting a person upon a warrant or without a warrant	1.50
19.	Serving summons or subpoena	0.50
20.	Mileage to serve summons or subpoena or to make an arrest, both ways, for each mile.... (Where a public conveyance is not used, reasonable costs of transportation may be allowed.)	0.20

21.	Mileage where service cannot be effected, upon proof of a diligent attempt to effect service, one way	$0.20
22.	Returning with prisoner after arrest to take him before a summary conviction court or justice at a place different from the place where the peace officer received the warrant to arrest, if the journey is of necessity over a route different from that taken by the peace officer to make the arrest, for each mile, one way	0.20
23.	Taking a prisoner to prison on remand or committal, for each mile, one way (Where a public conveyance is not used, reasonable costs of transportation may be allowed. No charge may be made under this item in respect of a service for which a charge is made under item 22.)	0.20
24.	Attending summary conviction court or justice on summary conviction proceedings, for each day necessarily employed (No more than $2.00 may be charged under this item in respect of any day notwithstanding the number of proceedings that the peace officer attended on that day before that summary conviction court or justice.)	2.00

FEES AND ALLOWANCES THAT MAY BE ALLOWED TO WITNESSES.

25.	Each day attending trial	3.00
26.	Mileage travelled to attend trial, for each mile, one way	0.20

FEES AND ALLOWANCES THAT MAY BE ALLOWED TO INTERPRETERS.

27.	Each half day attending trial	2.50
28.	Actual living expenses when away from ordinary place of residence, not to exceed per day	5.00
29.	Mileage travelled to attend trial, for each mile, one way	0.20

PART XXV.

TRANSITIONAL.

Repeal.

745. (1) The *Criminal Code*, chapter 36 of the Revised Statutes of Canada, 1927, is repealed.

Idem.

(2) The following provisions of the *Yukon Act*, chapter 215 of the Revised Statutes of Canada, 1927, are repealed, namely, section 69A, subsection (1) of section 79, sections 80 to 93, sections 95 to 99, and sections 110, 114, 119 and 120.

Transitional.

746. Every offence against the criminal law that was wholly or partly committed before the coming into force of this Act shall be dealt with, inquired into, tried and determined, and any penalty, forfeiture or punishment in respect of that offence shall be imposed as if this Act had not come into force.

Coming into force.

747. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

PART XXVI.

FORMS.

Forms.

748. (1) The forms set out in this Part varied to suit the case or forms to the like effect shall be deemed to be good, valid and sufficient in the circumstances for which, respectively, they are provided.

Seal not required.

(2) No justice is required to attach or affix a seal to any writing or process that he is authorized to issue and in respect of which a form is provided by this Part.

748. Section 1152.

FORM 1.

(*Section 429.*)

Information to obtain a search warrant.

Canada,
Province of ,
(*territorial division*).

This is the information of A. B., of in the said (*territorial division*), (*occupation*), hereinafter called the informant, taken before me.

The informant says that (*describe things to be searched for and offence in respect of which search is to be made*), and that he has reasonable grounds for believing that the said things, or some part of them are in the (*dwelling house, etc.*), of C. D., of in the said (*territorial division*) (*here add the grounds of belief, whatever they may be*).

Wherefore the informant prays that a search warrant may be granted to search the said (*dwelling house, etc.*), for the said things.

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

.....
Signature of Informant.

.....
A Justice of the Peace in and
for .

FORM 2.

(*Sections 439 and 695.*)

Information.

Canada,
Province of ,
(*territorial division*) .

This is the information of C. D., of ,
(*occupation*), hereinafter called the informant.

The informant says that (*if the informant has not personal knowledge state that he has reasonable and probable grounds to believe and does believe and state the offence.*)

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

.....
Signature of Informant.

.....
A Justice of the Peace in and
for .

FORM 3.

(*Sections 491 and 501.*)

Heading of Indictment.

Canada,
Province of ,
(*territorial division*) .

In the (*set out name of the court*)

Her Majesty the Queen

against

(*name of accused*)

In the (*name of the court in which the indictment is found*).

1. The jurors for Her Majesty the Queen present that

2. The said jurors further present that

FORM 4.

(*Sections 478 and 491.*)

Heading of indictment.

Canada,
Province of ,
(*territorial division*) .

In the (*set out name of the court*)

Her Majesty the Queen

against

(*name of accused*)

(*Name of accused*) stands charged

1. That he (*state offence*).
2. That he (*state offence*).

Dated this day of A.D.

at

.....
(*Signature of signing officer, Agent of Attorney General, etc., as the case may be*).

FORM 5.

(*Section 429.*)

Warrant to search.

Canada,
Province of
(*territorial division*)

To the peace officers in the said (*territorial division*):

Whereas it appears on the oath of A. B., of
that there are reasonable grounds for believing that (*describe things to be searched for and offence in respect of which search is to be made*) are in
at
hereinafter called the premises;

This is, therefore, to authorize and require you between the hours of (*as the justice may direct*) to enter into the said premises and to search for the said things and to bring them before me or some other justice.

Dated this day of A.D.
at .

.....
A Justice of the Peace in and
for .

FORM 6.

(*Sections 441 and 700.*)

Summons to a person charged with an offence.

Canada,
Province of
(*territorial division*)

To A. B., of (*occupation*):

Whereas you have this day been charged before me that (*state offence as in the information*):

This is therefore to command you, in Her Majesty's name, to appear before on
the day of A.D. , at
o'clock in the noon, at or
before any justice for the said (*territorial division*) who is there, to answer to the said charge and to be dealt with according to law.

Dated this day of
A.D. , at .

.....
A Justice of the Peace in and
for .

FORM 7.

(*Sections 442, 444 and 707.*)

Warrant to arrest a person charged with an offence.

Canada,
Province of ,
(*territorial division*) .

To the peace officers in the said (*territorial division*):

Whereas A. B., of , (*occupation*). hereinafter called the accused, has been charged that (*state the offence as in the information*):

This is, therefore, to command you in Her Majesty's name forthwith to arrest the accused and to bring him before or any justice for the said (*territorial division*), to answer to the said charge and to be dealt with according to law.

Dated this day of

A.D. at .

.....
A Justice of the Peace in and for .

57325—34

FORM 8.

(*Sections 444, 451 and 710*).

Warrant where summons is disobeyed or cannot be served.

Canada,
Province of ,
(*territorial division*)

To the peace officers in the said (*territorial division*);

Whereas on the day of , A.D. , A. B., of , hereinafter called the accused, was charged that (*state the offence as in the information*);

And Whereas a summons to the accused was issued commanding him, in Her Majesty's name, to appear on the day of A.D., , at o'clock in the noon, at , before me or any justice who should then be there, to answer to the said charge and to be dealt with according to law;

And Whereas it appears (* *or* **);

This is therefore to command you, in Her Majesty's name, forthwith to arrest the said accused and to bring him before me or any justice in and for the said (*territorial division*), to answer to the said charge and to be dealt with according to law.

Dated this day of

A.D. at .

.....
A Justice of the Peace in and for .

* that the accused has failed to appear at the time and place appointed by the said summons and it has been proved that the summons was duly served upon him.
** that the said summons cannot be served upon the accused.

FORM 9.

(*Sections 451 and 710*).

Warrant where accused fails to appear after adjournment.

Canada,
Province of ,
(*territorial division*) .

To the peace officers in the (*territorial division*):

Whereas A. B., of , hereinafter called the accused, appeared before me on the day of A.D., , on a charge that (*state the offence as in the information*);

And Whereas the trial (*or* inquiry, *etc.*) was adjourned to the day of A.D. at ;

And Whereas the accused has failed to appear at the time and place to which the trial (*or* inquiry, *etc.*) was adjourned:

This is therefore to command you, in Her Majesty's name, forthwith to arrest the said accused and to bring him before me or any justice in and for the said (*territorial division*), to answer to the said charge and to be dealt with according to law.

Dated this day of A.D.

at .

.....
A Justice of the Peace in and for .

FORM 10.

(*Section 456.*)

Warrant to convey accused before justice of another territorial division.

Canada,
Province of
(*territorial division*)

To the peace officers in the said (*territorial division*):

Whereas A. B., of hereinafter called the accused, has been charged that (*state place of offence and charge*);

And Whereas I have taken the deposition of X. Y. in respect of the said charge;

And Whereas the charge is for an offence committed in the (*territorial division*);

This is to command you, in Her Majesty's name, to convey the said A. B., before a justice of the (*last-mentioned territorial division*) and to deliver to him the information, the said deposition and this warrant.

Dated this day of A.D.

at .

.....
A Justice of the Peace in and for .

FORM 11.

(*Section 604*).

Subpœna to a witness.

Canada,
Province of ,
(*territorial division*) .

To E. F., of , (*occupation*):

Whereas A. B. has been charged that (*state offence as in the information*), and it has been made to appear that you are likely to give material evidence for (the prosecution *or* the defence);

This is therefore to command you to attend before (*set out court or justice*), on the day of A.D. , at o'clock in the noon at to give evidence concerning the said charge.*

Dated this day of A.D.

at .

. . . . . .
A Justice *or* clerk of the court.

(*Seal if required*).

---

* *Where a witness is required to produce documents add the following:*
and to bring with you any writings in your possession or under your control that relate to the said charge, and more particularly the following: (*specify any writings required*).

FORM 12.

(*Sections 603 and 610.*)

Warrant for witness.

Canada,
Province of ,
(*territorial division*) .

To the peace officers in the (*territorial division*):

Whereas A. B. of , has been charged that (*state offence as in the information*):

And Whereas it has been made to appear that E. F. of , hereinafter called the witness, is likely to give material evidence for (the prosecution *or* the defence) and that*

This is therefore to command you, in Her Majesty's name, to bring the witness before (*set out court or justice*) on the day of , A.D. , at o'clock in the noon, at to give evidence concerning the said charge.

Dated this day of A.D.

at .

.....
A Justice *or* clerk of the court.

(*Seal if required*).

---

* *Insert whichever of the following is appropriate:*
(*a*) the said E. F. will not attend unless compelled to do so;
(*b*) the said E. F. is evading service of a subpœna;
(*c*) the said E. F. was duly served with a subpœna and has neglected (to attend at the time and place appointed therein *or* to remain in attendance).
(*d*) the said E. F. was bound by a recognizance to attend and give evidence and has neglected (to attend *or* to remain in attendance).

FORM 13.

(*Section 609.*)

Warrant to arrest an absconding witness.

Canada,
Province of ,
(*territorial division*) .

To the peace officers in the (*territorial division*):

Whereas A. B. of , has been charged that (*state offence as in the information*);

And Whereas I am satisfied by information in writing and under oath that C. D. of , hereinafter called the witness, is bound by recognizance to give evidence upon the trial of the accused upon the said charge, and that the witness (has absconded *or* is about to abscond):

This is therefore to command you, in Her Majesty's name, to arrest the witness and bring him before (*the court, judge, justice or magistrate before whom the witness is bound to appear*) to be dealt with according to law.

Dated this day of A.D.

at .

.....
A Justice of the Peace in and for .

FORM 14.

(*Sections 451 and 710.*)

Warrant remanding a prisoner.

Canada,
Province of ,
(*territorial division*) .

To the peace officers in the (*territorial division*):

You are hereby commanded forthwith to convey to the (*prison*) at the persons named in the following schedule each of whom has been remanded to the time mentioned in the schedule:

Person charged.	Offence.	Remanded to.

And I hereby command you, the keeper of the said prison, to receive each of the said persons into your custody in the prison and keep him safely until the day when his remand expires and then to have him before me or any other justice at at o'clock in the noon of the said day, there to answer to the charge and to be dealt with according to law, unless you are otherwise ordered before that time.

Dated this day of A.D.
at .

.....
A Justice of the Peace in and for .

FORM 15.

(*Section 507*).

Warrant for arrest of person against whom indictment has been found.

Canada,
Province of ,
(*territorial division*) .

To the peace officers in (*territorial division*):

Whereas an indictment has been found against A. B., hereinafter called the accused, and the accused has not (appeared *or* remained in attendance) to take his trial on the said indictment before (*set out court*):

You are hereby commanded, in Her Majesty's name, forthwith to arrest the accused and to bring him before the said court to be dealt with according to law.

Dated this day of A.D.
at .

(*Seal*).

.....
Clerk of the Court.

FORM 16.

(*Section 457.*)

Warrant of committal of witness for refusing to be sworn or to give evidence.

Canada,
Province of ,
(*territorial division*) .

To the peace officers in the (*territorial division*):

Whereas A. B. of , hereinafter called the accused, has been charged that (*set out offence as in the information*);

And Whereas E. F. of , hereinafter called the witness, attending before me to give evidence for (the prosecution *or* the defence) concerning the charge against the accused (refused to be sworn *or* being duly sworn as a witness refused to answer certain questions concerning the charge that were put to him *or* refused or neglected to produce the following writings, namely *or* refused to sign his deposition) having been ordered to do so, without offering any just excuse for such refusal or neglect:

This is therefore to command you, in Her Majesty's name, to take the witness and convey him safely to the prison at , and there deliver him to the keeper thereof, together with the following precept:

I do hereby command you, the said keeper, to receive the said witness into your custody in the said prison and safely keep him there for the term of days, unless he sooner consents to do what was required of him, and for so doing this is a sufficient warrant.

Dated this day of A.D.

at .

.....
A Justice of the Peace in and
for .

57325—35

FORM 17.

(*Section 460.*)

Warrant of committal for trial.

Canada,
Province of
(*territorial division*)

To the peace officers in the (*territorial division*) and to the keeper of the (*prison*) at :

Whereas A. B., hereinafter called the accused, stands charged that (*state offence as in the information*);

And Whereas on a preliminary inquiry into that charge the accused (having elected to be tried by a judge without a jury *or* by a court composed of a judge and jury, *or* having stood mute, *as the case may be*) was this day committed for trial;

This is therefore to command you, in Her Majesty's name, to take the accused and convey him safely to the (*prison*) at
and there deliver him to the keeper thereof, with the following precept:

I do hereby command you the said keeper to receive the accused into your custody in the said prison and keep him safely there until he is delivered by due course of law.

Dated this day of A.D.

at .

.....
A Justice of the Peace in and for .

FORM 18.

(*Sections 482 and 713 .*)

Warrant of committal upon conviction.

Canada,
Province of ,
(*territorial division*) .

To the peace officers in the (*territorial division*) and to the keeper of the (*prison*) at :

Whereas A. B., hereinafter called the accused, was this day convicted upon a charge that (*state offence as in the information*), and it was adjudged that the accused for his offence*

You are hereby commanded, in Her Majesty's name, to take the accused and convey him safely to the (*prison*) at
and deliver him to the keeper thereof, together with the following precept:

You, the said keeper, are hereby commanded to receive the accused into custody in the said prison and imprison him there**

and for so doing this is a sufficient warrant.

Dated this day of A.D.

at .

.....
Clerk of the Court, Justice
or Magistrate.

(*Seal, if required*).

---

* *Use whichever of the following forms of sentence is applicable:*

(*a*) be imprisoned in the (*prison*) at
for the term of ;

(*b*) forfeit and pay the sum of dollars
to be applied according to law, and also pay to
the sum of dollars
in respect of costs and in default of payment of the said sums (forthwith *or within a time fixed, if any*) be imprisoned in the (*prison*) at
for the term of unless the said sums
and costs and charges of the committal and of conveying the accused to the said prison are sooner paid;

(*c*) be imprisoned in (*prison*) at for the term
of , and in addition (*as in (b) above*).

FORM 19.

(*Section 713.*)

Warrant of committal upon an order for the payment of money.

Canada,
Province of ,
(*territorial division*) .

To the peace officers in the (*territorial division*) and to the keeper of the (*prison*) at :

Whereas A. B., hereinafter called the defendant, was tried upon an information alleging that (*set out matter of complaint*), and it was ordered that (*set out the order made*), and in default that the defendant be imprisoned in the (*prison*) at for a term of ;

I hereby command you, in Her Majesty's name, to take the defendant and convey him safely to the (*prison*) at , and deliver him to the keeper thereof together with the following precept:

I hereby command you the keeper of the said prison to receive the defendant into your custody in the said prison and imprison him there for the term of , unless the said amounts and the costs and charges of the committal and of conveying the defendant to the said prison are sooner paid, and for so doing this is a sufficient warrant.

Dated this day of , A.D.

at .

.....
A Justice of the Peace in and for .

FORM 20.

(*Sections 637 and 717.*)

Warrant of committal for failure to furnish recognizance to keep the peace.

Canada,
Province of ,
(*territorial division*) .

To the peace officers in the (*territorial division*) and to the keeper of the (*prison*) at :

Whereas A. B., hereinafter called the accused, has been ordered to enter into a recognizance to keep the peace and be of good behaviour, and has (refused *or* failed) to enter into a recognizance accordingly;

You are hereby commanded, in Her Majesty's name, to take the accused and convey him safely to the (*prison*) at
and deliver him to the keeper thereof together with the following precept:

You, the said keeper, are hereby commanded to receive the accused into your custody in the said prison and imprison him there until he enters into a recognizance as aforesaid or until he is discharged in due course of law.

Dated this day of A.D.

at .

.....
Clerk of the Court, Justice
or Magistrate.

(*Seal, if required*).

FORM 21.

(*Section 461.*)

Warrant of committal of witness for failure to enter into recognizance.

Canada,
Province of ,
(*territorial division*)

To the peace officers in the (*territorial division*) and to the keeper of the (*prison*) at :

Whereas A. B., hereinafter called the accused, was committed for trial on a charge that (*state offence as in the information*);

And Whereas E. F., hereinafter called the witness, having appeared as a witness on the preliminary inquiry into the said charge, and being required to enter into a recognizance to appear as a witness on the trial of the accused on the said charge, has (failed *or* refused) to do so;

This is therefore to command you, in Her Majesty's name, to take and safely convey the said witness to the (*prison*) at
and there deliver him to the keeper thereof, together with the following precept:

I do hereby command you, the said keeper, to receive the witness into your custody in the said prison and keep him there safely until the trial of the accused upon the said charge, unless before that time the witness enters into the said recognizance.

Dated this day of A.D.

at .

.....
A Justice of the Peace in and
for .

FORM 22.

(*Section 612.*)

Warrant of committal for contempt.

Canada,
Province of ,
(*territorial division*)

To the peace officers in the said (*territorial division*) and to the keeper of the (*prison*) at :

Whereas E. F. of , hereinafter called the defaulter, was on the day of A.D. , at , convicted before for contempt in that he did not attend before to give evidence on the trial of a charge that (*state offence as in the information*) against A. B. of , although (duly subpoenaed *or* bound by recognizance to appear and give evidence in that behalf, *as the case may be*) and did not show any sufficient excuse for his default;

And Whereas in and by the said conviction it was adjudged that the defaulter (*set out punishment adjudged*);

And Whereas the defaulter has not paid the amounts adjudged to be paid; (*delete if not applicable*)

This is therefore to command you, in Her Majesty's name, to take the defaulter and convey him safely to the prison at and there deliver him to the keeper thereof, together with the following precept:

I do hereby command you, the said keeper, to receive the defaulter into your custody in the said prison and imprison him there* and for so doing this is a sufficient warrant.

Dated this day of A.D.
at .

.....
A Justice *or* clerk of the court.

(*Seal, if required*).

---

* *Insert whichever of the following is applicable:*
(*a*) for the term of ;
(*b*) for the term of unless the said sums and the costs and charges of the committal and of conveying the defaulter to the said prison are sooner paid, *or*
(*c*) for the term of and for the term of (*if consecutive so state*) unless the said sums and costs and charges of the committal and of conveying the defaulter to the said prison are sooner paid.

FORM 23.

(*Section 731*)

Warrant of committal in default of payment of costs of an appeal.

Canada,
Province of ,
(*territorial division*) .

To the peace officers of (*territorial division*) and to the keeper of the (*prison*) at :

Whereas it appears that upon the hearing of an appeal before the (*set out court*), it was adjudged that A. B., of , hereinafter called the defaulter, should pay to the Clerk of the Court the sum of dollars in respect of costs;

And Whereas the Clerk of the Court has certified that the defaulter has not paid the sum within the time limited therefor;

I do hereby command you the said peace officers, in Her Majesty's name, to take the defaulter and safely convey him to the (*prison*) at and deliver him to the keeper thereof, together with the following precept:

I do hereby command you, the said keeper, to receive the defaulter into your custody in the said prison and imprison him for the term of , unless the said sum and the costs of the committal and of conveying the defaulter to prison are sooner paid, and for so doing this is a sufficient warrant.

Dated this day of A.D.

at .

.....
A Justice of the Peace in and for .

FORM 24.

(*Section 679.*)

Warrant of committal on forfeiture of a recognizance.

Canada,
Province of ,
(*territorial division*) .

To the sheriff of (*territorial division*) and to the keeper of the (*prison*) at :

You are hereby commanded to take (A. B. and C. D. *as the case may be*) hereinafter called the defaulters, and to convey them safely to the (*prison*) at and deliver them to the keeper thereof, together with the following precept:

You, the said keeper, are hereby commanded to receive the defaulters into your custody in the said prison and imprison them until satisfaction is made of a judgment debt of dollars due to Her Majesty the Queen in respect of the forfeiture of a recognizance entered into by on the day of A.D. , or until is discharged in due course of law.

And you, the said sheriff, are further commanded to make a return on the day of A.D. , of what you have done in execution of this warrant.

Dated this day of A.D. .

(*Seal*). .....
Clerk of the .

FORM 25.

(*Sections 429 (2), 447 and 713.*)

Endorsement of warrant.

Canada,
Province of ,
(*territorial division*) .

Pursuant to application this day made to me, I hereby authorize the execution of this warrant within the said (*territorial division*).

Dated this day of A.D.
at .

.....
A Justice of the Peace in and
for .

53725—36

FORM 26.

(*Section 451.*)

Order for accused to be brought before justice prior to expiration of period of remand.

Canada,
Province of ,
(*territorial division*) .

To the keeper of the (*prison*) at :

Whereas by warrant dated the day of A.D. , I committed A. B., hereinafter called the accused, to your custody and required you safely to keep him until the day of A.D. , and then to have him before me or any other justice at at o'clock in the noon to answer to the charge against him and to be dealt with according to law unless you should be ordered otherwise before that time:

Now, therefore, I order and direct you to have the accused before at at o'clock in the noon to answer to the charge against him and to be dealt with according to law.

Dated this day of A.D.

at .

.....
A Justice of the Peace in and for .

FORM 27.

(*Section 453.*)

Deposition of a witness.

Canada,
Province of ,
(*territorial division*) .

These are the depositions of X. Y., of , and M. N., of , taken before me, this day of A.D. , at , in the presence and hearing of A. B., hereinafter called the accused, who stands charged (*state offence as in the information*).

X. Y., having been duly sworn, deposes as follows: (*insert deposition as nearly as possible in words of witness.*)

M. N., having been duly sworn, deposes as follows:

I certify that the depositions of X. Y., and M. N., written on the several sheets of paper hereto annexed to which my signature is affixed, were taken in the presence and hearing of the accused (and signed by them respectively, in his presence, *where they are required to be signed by witness*). In witness whereof I have hereto signed my name.

.....
A Justice of the Peace in and for .

FORM 28.

(Sections 451, 461, 463, 611, 637, 638, 710, 717, 724 and 735.)

Recognizance.

Canada,
Province of ,
(territorial division) .

Be it remembered that on this day the persons named in the following schedule personally came before me and severally acknowledged themselves to owe to Her Majesty the Queen the several amounts set opposite their respective names, namely,

Name	Address	Occupation	Amount
A. B.			
C. D.			
E. F.			

to be made and levied of their several goods and chattels, lands and tenements, respectively, to the use of Her Majesty the Queen, if the said A. B. fails in the condition hereunder written.

Taken and acknowledged before me on the day of A.D. at .

.....
A Justice of the Peace in and for .

---

* *Use whichever of the following conditions is appropriate:*

(a) Whereas the said A. B. has been charged (*state offence as in the information*);

Now, therefore, the condition of the above written recognizance is that if the said A. B. appears before the (*state court, judge or justice*) on the day of A.D. , at o'clock in the noon, at (*place*) to answer to the charge and to be dealt with according to law, the said recognizance is void, otherwise it stands in full force and virtue.

(b) Whereas the said A. B., hereinafter called the accused, was committed to stand his trial before a judge acting under Part XVI, on a charge that: (*set out charge*)

Now, therefore, the condition of the above written recognizance is that if the accused appears before the presiding judge at the time and place fixed for his trial and there surrenders himself and takes his trial on the indictment that is found against him and does not depart the said court without leave, the said recognizance is void, otherwise it stands in full force and virtue.

(c) Whereas the said A. B., hereinafter called the accused, was committed for trial before (*set out court*);

Continued next page

FORM 29.

(*Section 676.*)

Certificate of default to be endorsed on recognizance.

I hereby certify that A. B. has not appeared as required by this recognizance and that by reason thereof the ends of justice have been (defeated *or* delayed, *as the case may be*).

The reason for the default is (*state reason if known*).

The names and addresses of the principal and sureties are as follows:

Dated this day of A.D.

at .

.....
Clerk of the Court, Judge,
Justice *or* Magistrate.

(*Seal, if required*).

Now, therefore, the condition of the above written recognizance is that (if the accused appears at that court, *or* if, having re-elected under Part XVI, he appears before the presiding judge at the time and place fixed for his trial) and takes his trial on the indictment that is found against him and does not depart the said court without leave, the said recognizance is void, otherwise it stands in full force and virtue.

(*d*) Whereas C. D., hereinafter called the accused, was committed for trial on a charge that (*set out charge*);

And Whereas A. B. appeared as a witness on the preliminary inquiry into the said charge;

Now, therefore, the condition of the above written recognizance is that if the said A. B. appears at the time and place fixed for the trial of the accused to give evidence upon the indictment that is found against the accused, the said recognizance is void, otherwise it stands in full force and virtue.

(*e*) The condition of the above written recognizance is that if A. B. keeps the peace and is of good behaviour for the term of commencing on , the said recognizance is void, otherwise it stands in full force and virtue.

(*f*) The condition of the above written recognizance is that if A. B. appears and receives judgment when called upon during the term of commencing on , and during that term keeps the peace and is of good behaviour (*add special conditions as authorized by section 638, where applicable*), the said recognizance is void, otherwise it stands in full force and virtue.

(*g*) Whereas A. B., hereinafter called the appellant, has appealed (against his conviction *or* against an order *or* by way of stated case) in respect of the following matter (*set out offence, subject matter of order or question of law*);

Now, therefore, the condition of the above written recognizance is that if the appellant personally appears at the sittings of the court at which the (appeal *or* stated case) is to be heard and abides the judgment of the said court and pays any costs that are awarded against him, the said recognizance is void, otherwise it stands in full force and virtue.

FORM 30.

(*Section 677.*)

Writ of fieri facias.

Elizabeth II by the Grace of God, etc.

To the sheriff of (*territorial division*), GREETING,

You are hereby commanded to levy of the goods and chattels, lands and tenements of each of the following persons the amount set opposite the name of each:

Name	Address	Occupation	Amount

And you are further commanded to make a return of what you have done in execution of this writ.

Dated this day of A.D.

at .

(*Seal*). .....
Clerk of the .

FORM 31.

(*Sections 482 and 713.*)

Conviction.

Canada,
Province of ,
(*territorial division*) .

Be it remembered that on the day of at , A. B., hereinafter called the accused, was tried under Part (XVI *or* XXIV) of the Criminal Code upon the charge that (*state fully the offence of which accused was convicted*), was convicted of the said offence and the following punishment was imposed upon him, namely,*

Dated this day of A.D.

at .

.....
Clerk of the Court, Justice *or*
Magistrate.

(*Seal, if required*).

---

* *Use whichever of the following forms of sentence is applicable:*

(*a*) That the said accused be imprisoned in the (*prison*) at for the term of .

(*b*) That the said accused forfeit and pay the sum of dollars to be applied according to law and also pay to the sum of dollars in respect of costs and in default of payment of the said sums (forthwith *or within a time fixed, if any*) to be imprisoned in the (*prison*) at for the term of unless the said sums and costs and charges of the committal and of conveying the accused to the said prison are sooner paid.

(*c*) That the said accused be imprisoned in the (*prison*) at for the term of and in addition forfeit and pay the sum of dollars to be applied according to law and also pay to the sum of dollars in respect of costs and in default of payment of the said sums (forthwith *or within a time fixed, if any*) to be imprisoned in the (*prison*) at for the term of (*if sentence to be consecutive, state accordingly*) unless the said sums and costs and charges of the committal and of conveying the accused to the said prison are sooner paid.

FORM 32.

(*Section 713.*)

Order against a defendant.

Canada,
Province of
(*territorial division*) ,.

Be it remembered that on the day of A.D. , at , A. B., of , was tried upon an information alleging that (*set out matter of complaint*), and it was ordered and adjudged that (*set out the order made*).

Dated this day of A.D. at .

.....
A Justice of the Peace in and for .

FORM 33.

(*Section 482.*)

Order acquitting accused.

Canada,
Province of
(*territorial division*) ,.

Be it remembered that on the day of A.D. , at A. B., of , (*occupation*), was tried upon the charge that (*state fully the offence of which accused was acquitted*) and was found not guilty of the said offence.

Dated this day of A.D. at .

(*Seal, if required*).

.....
Magistrate *or* Clerk of the Court.

FORM 34.

(*Section 612.*)

Conviction for contempt.

Canada,
Province of
(*territorial division*)

Be it remembered that on the day of A.D. , at in the (*territorial division*), E. F. of , hereinafter called the defaulter, is convicted by me for contempt in that he did not attend before (set out court *or* justice) to give evidence on the trial of a charge that (*state fully offence with which accused was charged*), although (duly subpoenaed *or* bound by recognizance to attend to give evidence, *as the case may be*) and has not shown before me any sufficient excuse for his default;

Wherefore I adjudge the defaulter for his said default, (*set out punishment as authorized and determined in accordance with section 612*).

Dated this day of A.D. at .

.....
A Justice *or* clerk of the court *as the case may be.*

(*Seal, if required*).

FORM 35.

(*Sections 461, 463 and 724*).

Order for discharge of a person in custody.

Canada,
Province of
(*territorial division*)

To the keeper of the (*prison*) at :

I hereby direct you to release E. F., detained by you under a (warrant of committal *or* order) dated the day of A.D. , if the said E. F. is detained by you for no other cause.

.....
A Judge, Justice *or* Clerk of the Court.

(*Seal, if required*).

57325—37

FORM 36.

(*Section 538*).

Challenge to array.

Canada, Province of (*territorial division*)	, .	The Queen v. C. D.

The (prosecutor *or* accused) challenges the array of the panel on the ground that X. Y., (sheriff *or* deputy sheriff), who returned the panel, was guilty of (partiality *or* fraud *or* wilful misconduct) on returning it.

Dated this day of A.D.

at .

.....
Counsel for (prosecutor *or* accused).

FORM 37.

(*Section 548*).

Challenge for cause.

Canada, Province of (*territorial division*)	, .	The Queen v. C. D.

The (prosecutor *or* accused) challenges G. H. on the ground that (*set out ground of challenge in accordance with section 547(1)*).

.....
Counsel for (prosecutor *or* accused).

FORM 38.

(*Section 731*).

Certificate of non-payment of costs of appeal.

In the Court of .

(*Style of Cause*)

I hereby certify that A. B. (the appellant *or* respondent, *as the case may be*) in this appeal, having been ordered to pay costs in the sum of dollars, has failed to pay the said costs within the time limited for the payment thereof.

Dated this day of A.D.

at .

.....
Clerk of the Court
of .

(*Seal*).

FORM 39.

(*Section 636*).

Gaoler's receipt to peace officer for prisoner.

I hereby certify that I have received from X. Y., a peace officer for (*territorial division*) one A. B., together with a (warrant *or* order) issued by (*set out court or justice, as the case may be*).*

Dated this day of A.D.

at .

.....
Keeper of (*prison*).

* (*Add a statement of the condition of the prisoner.*)

FORM 40.

(*Section 646*).

Certificate of execution of sentence of death.

I, A. B., prison doctor of the (*prison*), at , hereby certify that I examined the body of C. D. on whom sentence of death was this day executed in the said prison and that I found that the said C. D. was dead.

Dated this day of

A.D. at .

.....
Prison doctor.

FORM 41.

(*Section 646*).

Declaration of sheriff and others.

We, the undersigned, hereby declare that sentence of death was this day executed on C. D., in our presence in the (*prison*) at .

Dated this day of A.D.

at .

Sheriff of .....

Gaoler of .....

.....
.....
.....
Others.

FORM 42.

FIREARM PERMIT.

This permit authorizes.....of

.....to have a.....
(Address) *(insert type of firearm)*

.....elsewhere than in his dwelling house or place of

business for the purpose of.....
(insert purpose for which permit is required)

This permit is valid during the period.....

....
(Date of issue). *(Signature of person authorized to issue permits in Form 42.)*

FORM 43.

PERMIT TO BUY AND SELL FIREARMS AT RETAIL.

This permit authorizes.....
(Insert name of holder of permit)

of.....

to buy and sell firearms at retail.

....
(Date of issue). *(Signature of person authorized to issue permits).*

.....
(Address).

FORM 44.

PERMIT TO CONVEY FIREARM.

This permit authorizes.....to convey

the firearm described herein from.....
(Place of delivery or place of

.....to.....
residence or business) *(Local registrar of firearms)*

and thence to.....
(Place of residence or business)

This permit is valid only during the period.....

....
(Date of Issue) *(Local Registrar of Firearms)*

.....
(Address)

APPLICATION TO REGISTER FIREARM.

Place.....DATE.....

Re.....Certificate No.....
(Name of Applicant) *(If available)*
(Please show full Christian names)

.....
Description of Firearm

Make of Firearm	R or A	Cal.	Model	Ser. No.	No. Shots	Bbl. Lgth.
	( )					

(NOTE: (R) Revolver (A) Automatic)

Obtained by: Purchase ☐ Exchange ☐ Gift ☐ Found ☐

Obtained from.....

Certificate No.....Address.....

Occupation of Applicant.....

Purpose for which firearm required.....

.....
(Signature of Applicant)

Address: .....

Registered under the authority of
section 93 of the Criminal Code of Canada

.....
(Local Registrar of Firearms

....
(Date of issue) *(Address)*

TRANSFER COMPLETED

Date.....Initialled by.....Police Department.....

FORM 45.

PERMIT FOR A MINOR TO ACQUIRE FIREARMS.

This permit authorizes.....

of.....

aged.....years, to acquire and have in his possession the firearm, air-gun, air-pistol or ammunition therefor, described as follows:

.....

.....

This permit is valid during the period.....

.....
Date of Issue.

.....
(Signature of person authorized to issue permits).

.....
(Address).

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL I[8].

An Act to incorporate The National Dental Examining Board of Canada.

Read a first time, Wednesday, 14th May, 1952.

Honourable Senator CAMPBELL.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

57436

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL I[8].

An Act to incorporate The National Dental Examining Board of Canada.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Harold M. Cline, doctor of dental surgery, of the city of Vancouver in the province of British Columbia, Gustave Ratte, doctor of dental surgery, of the city of Quebec in the province of Quebec, and Don W. Gullett, doctor of dental surgery, of the city of Toronto, in the province of Ontario, together with such persons as may hereafter become members of the Board as hereinafter provided, are incorporated under the name of "The National Dental Examining Board of Canada", hereinafter called "the Board".

Provisional members of Board.

2. The persons named in section one of this Act shall be provisional members of the Board with power to organize the Board as in this Act provided.

Head office.

3. The head office of the Board shall be at the city of Toronto, in the province of Ontario, or at such other place as the Board may determine by by-law from time to time.

Composition of Board.

4. (1) The Board shall be composed of

(a) one member appointed as its representative by the appropriate licensing body of each province in Canada; and

(b) two members appointed by the Council on Dental Education of the Canadian Dental Association.

Term of office.

(2) The term of office for each member of the Board shall be three years, except in respect of the members appointed to constitute the first Board.

Term of office of first Board.

(3) The term of office for one-half of the members of the first Board shall be two years and for the other one-half shall be four years; the members constituting each such one-half shall be chosen by lot in such manner as the Board may determine.

Re-appointment.

(4) A member of the Board on the expiration of his term of office, if properly qualified, shall be eligible for re-appointment.

If provincial licensing body fails to appoint a member to the Board.

(5) If the appropriate licensing body of any province fails to appoint a member of the Board within a reasonable time after a vacancy occurs, the Secretary of the Board shall notify such licensing body and require such licensing body to make such appointment and certify the result to the Board within one month of the date of service of the notice.

Members continue in office until successors appointed.

(6) All members of the Board shall continue in office until their successors are appointed or until expiration of their term of office if their successors are appointed before the expiration of such term of office.

Provincial licensing body may withdraw from Board.

5. (1) The appropriate licensing body of any province may at any time upon twelve month's notice to the Board, withdraw from participation in and recognition of the activities of the Board, and such licensing body shall not thereafter, so long as such withdrawal continues, be entitled to appoint any representative to the Board.

May again become associated with Board.

(2) The Board may upon the application of any licensing body which has so withdrawn, restore the participation and representation of such licensing body.

Purposes of the Board.

6. The purposes of the Board shall be

(a) to establish qualifying conditions for a single standard national dental certificate of qualification, which may be recognized by the dental profession as the highest in Canada;

(b) to ensure that the rules and regulations governing examinations will be acceptable to all participating licensing bodies and will provide for the conducting of examinations in a manner fair and equable for all concerned; and

(c) to promote enactment, with the consent and at the instance of the corporate members of The Canadian Dental Association, of provincial legislation necessary or desirable to supplement the provisions of this Act.

Powers of the Board.

7. The Board shall have power to

(a) establish a qualification in dentistry such that it will be recognized by the appropriate licensing bodies in all the provinces of Canada;

(*b*) determine and establish the qualifications for and conditions under which a person may obtain and hold a certificate of qualification as aforesaid and may be registered or restored to registration;

(*c*) prescribe examinations to be undergone with respect to professional subjects and such other requirements for registration as the Board may require;

(*d*) establish and maintain a body of examiners to hold examinations and recommend the granting of certificates of qualification;

(*e*) issue a single type of certificate of qualification;

(*f*) establish a register for Canada of dental practitioners who have been granted certificates of qualification by the Board;

(*g*) delete from the register the name of any person whose provincial registration has been cancelled or suspended, and to restore such name to the register if and when such cancellation or suspension is reversed or terminated; and

(*h*) publish and revise such register from time to time.

By-laws.

8. (1) The Board may make such by-laws and regulations, not contrary to law or the provisions of this Act, as it may deem necessary or advisable for

(*a*) the government and management of its business and affairs;

(*b*) the selection and election or appointment and remuneration of officers and employees and prescription of their respective powers and duties;

(*c*) the imposition and collection of dues or fees; and

(*d*) the carrying into effect of the purposes of the Board and its powers under this Act.

(2) The Board may, from time to time alter or repeal all or any of such by-laws or regulations as it may see fit.

(3) No such by-law or regulation shall be enacted, altered or repealed except with the concurrence of two-thirds of the representatives on the Board of the provincial licensing bodies then represented on the Board.

Board may hold property.

9. The Board may acquire, own, hold, deal with and dispose of, subject to the provisions of applicable provincial laws, any real and personal estate and property rights and privileges necessary or expedient for the purposes of the Board.

Board may borrow money, etc.

10. The Board shall have power to

(*a*) borrow money on the credit of the Board when required for the purposes of the Board and to give security for any sum or sums of money so borrowed; and

(*b*) draw, make, accept and endorse all bills of exchange and promissory notes necessary for the purposes of the Board under the hands of such officers as may be designated by the by-laws and in no case shall it be necessary that the seal of the Board be affixed thereto nor shall the signing officers be individually responsible therefor, provided that nothing herein shall be construed to authorize the Board to issue notes or bills of exchange payable to bearer or intended to be circulated as money or as notes or bills of a bank.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL J[8].

An Act for the relief of William Wallace Watson.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

51045

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL J[8].

An Act for the relief of William Wallace Watson.

Preamble.

WHEREAS William Wallace Watson, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, broker, has by his petition alleged that on the fifteenth day of March, A.D. 1941, at the said city, he and Norma Lorraine Cumming, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between William Wallace Watson and Norma Lorraine Cumming, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said William Wallace Watson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Norma Lorraine Cumming had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL K[8].

An Act for the relief of Russell James Barrett.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54682

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL K[8].

An Act for the relief of Russell James Barrett.

Preamble.

WHEREAS Russell James Barrett, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, executive engineer, has by his petition alleged that on the eighteenth day of September, A.D. 1948, at the city of Westminster, England, he and Margery Joan Daniels, who was then of the said city of Montreal, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Russell James Barrett and Margery Joan Daniels, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Russell James Barrett may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Margery Joan Daniels had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL L[8].

An Act for the relief of Alice Sabria O'Connor Muskett.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55601

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL L[8].

An Act for the relief of Alice Sabria O'Connor Muskett.

Preamble.

WHEREAS Alice Sabria O'Connor Muskett, residing at the city of Montreal, in the province of Quebec, wife of John Clarence Muskett, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of January, A.D. 1920, at the city of Winnipeg, in the province of Manitoba, she then being Alice Sabria O'Connor, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alice Sabria O'Connor and John Clarence Muskett, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alice Sabria O'Connor may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Clarence Muskett had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL M8.

An Act for the relief of Julia Emma Pearl Sager Noiseux.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

51242

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL M[8].

An Act for the relief of Julia Emma Pearl Sager Noiseux.

Preamble.

WHEREAS Julia Emma Pearl Sager Noiseux, residing at the city of Montreal, in the province of Quebec, typist, wife of Joseph Arthur Lucien Noiseux, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-seventh day of June, A.D. 1933, at the said city, she then being Julia Emma Pearl Sager, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Julia Emma Pearl Sager and Joseph Arthur Lucien Noiseux, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Julia Emma Pearl Sager may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Arthur Lucien Noiseux had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL N[8].

An Act for the relief of David Gilmore Bennett.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54327

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL N[8].

An Act for the relief of David Gilmore Bennett.

Preamble.

WHEREAS David Gilmore Bennett, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, soldier, has by his petition alleged that on the twenty-fourth day of April, A.D. 1948, at the city of Hamilton, in the province of Ontario, he and Sheila Mary Dover, who was then of the said city of Montreal, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between David Gilmore Bennett and Sheila Mary Dover, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said David Gilmore Bennett may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Sheila Mary Dover had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL O[8].

An Act for the relief of Kathleen Hilda Turk Woodall.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55865

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL O[8].

An Act for the relief of Kathleen Hilda Turk Woodall.

Preamble.

WHEREAS Kathleen Hilda Turk Woodall, residing at the city of Montreal, in the province of Quebec, clerk, wife of John Henry Woodall, who is domiciled in Canada and residing at the district of Croydon, in the said province, has by her petition alleged that they were married on the second day of June, A.D. 1948, at the said city, she then being Kathleen Hilda Turk, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Kathleen Hilda Turk and John Henry Woodall, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Kathleen Hilda Turk may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Henry Woodall had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL P[8].

An Act for the relief of Mary Elizabeth Cate Lowe.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55661

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL P[8].

An Act for the relief of Mary Elizabeth Cate Lowe.

Preamble.

WHEREAS Mary Elizabeth Cate Lowe, residing at the town of Ste. Agathe, in the province of Quebec, nurse, wife of James Hamilton Lowe, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the third day of August, A.D. 1940, at the village of North Hatley, in the said province, she then being Mary Elizabeth Cate, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Elizabeth Cate and James Hamilton Lowe, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Elizabeth Cate may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Hamilton Lowe had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Q[8].

An Act for the relief of Aldea Gendreau Bourbonnais.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA 1952

55960

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Q[8].

An Act for the relief of Aldea Gendreau Bourbonnais.

Preamble.

WHEREAS Aldea Gendreau Bourbonnais, residing at the city of Verdun, in the province of Quebec, waitress, wife of Normand Bourbonnais, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the eleventh day of June, A.D. 1938, at the said city of Montreal, she then being Aldea Gendreau, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Aldea Gendreau and Normand Bourbonnais, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Aldea Gendreau may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Normand Bourbonnais had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL R[8].

An Act for the relief of Peter Ernest Walker.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54291

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL R8.

An Act for the relief of Peter Ernest Walker.

Preamble.

WHEREAS Peter Ernest Walker, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, telephone technician, has by his petition alleged that on the fourth day of December, A.D. 1948, at the said city, he and Nola Ellen Kemball, who was then of the city of St. Lambert, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Peter Ernest Walker and Nola Ellen Kemball, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Peter Ernest Walker may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Nola Ellen Kemball had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL S[8].

An Act for the relief of Dorothy Agnes Kearns Bradley.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55605

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL S[8].

An Act for the relief of Dorothy Agnes Kearns Bradley.

Preamble.

WHEREAS Dorothy Agnes Kearns Bradley, residing at the city of Montreal, in the province of Quebec, switchboard operator, wife of Arthur Ernest Bradley, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-ninth day of October, A.D. 1923, at the said city, she then being Dorothy Agnes Kearns, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Agnes Kearns and Arthur Ernest Bradley, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Agnes Kearns may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Arthur Ernest Bradley had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL T[8].

An Act for the relief of Sarah Bernstein Smith.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56322

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL T[8].

An Act for the relief of Sarah Bernstein Smith.

Preamble.

WHEREAS Sarah Bernstein Smith, residing at the city of Montreal, in the province of Quebec, wife of Vincent (Abraham) Smith, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of May, A.D. 1949, at the city of Hawkesbury, in the province of Ontario, she then being Sarah Bernstein, a spinster; that on the tenth day of July, A.D. 1949, at the said city of Montreal, they were married again; and whereas by her petition she has prayed that, because of his adultery since then, their marriages be dissolved; and whereas the said marriages and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriages between Sarah Bernstein and Vincent (Abraham) Smith, her husband, are hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sarah Bernstein may at any time hereafter marry any man whom she might lawfully marry if the said marriages with the said Vincent (Abraham) Smith had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL U8.

An Act for the relief of Margaret Gladys Redman Glassco.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55169

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL U[8].

An Act for the relief of Margaret Gladys Redman Glassco.

Preamble.

WHEREAS Margaret Gladys Redman Glassco, residing at the town of Beaurepaire, in the province of Quebec, stenographer, wife of Edward David Glassco, who is domiciled in Canada and residing at the said town, has by her petition alleged that they were married on the fourteenth day of January, A.D. 1950, at the city of Montreal, in the said province, she then being Margaret Gladys Redman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Gladys Redman and Edward David Glassco, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Gladys Redman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward David Glassco had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL V8.

An Act for the relief of Louise Joslyn Smith Harvey-Jellie.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54551

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL V[8].

An Act for the relief of Louise Joslyn Smith Harvey-Jellie.

Preamble.

WHEREAS Louise Joslyn Smith Harvey-Jellie, residing at the city of Montreal, in the province of Quebec, wife of Reginald Culmer Harvey-Jellie, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the third day of August, A.D. 1935, at the town of Magog, in the said province, she then being Louise Joslyn Smith, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Louise Joslyn Smith and Reginald Culmer Harvey-Jellie, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Louise Joslyn Smith may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Reginald Culmer Harvey-Jellie had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL W8.

An Act for the relief of Bertha Naujoks Stehr.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55617

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL W[8].

An Act for the relief of Bertha Naujoks Stehr.

Preamble.

WHEREAS Bertha Naujoks Stehr, residing at the city of Montreal, in the province of Quebec, wife of John Arthur Stehr, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-third day of January, A.D. 1932, at the city of Westmount, in the said province, she then being Bertha Naujoks, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Bertha Naujoks and John Arthur Stehr, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Bertha Naujoks may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Arthur Stehr had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL X[8].

An Act for the relief of Margit Aloisia Payer Worontschak.

Read a first time, Thursday, 15th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55157

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL X[8].

An Act for the relief of Margit Aloisia Payer Worontschak.

Preamble.

WHEREAS Margit Aloisia Payer Worontschak, residing at the city of Montreal, in the province of Quebec, clerk, wife of Matthias Worontschak, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of October, A.D. 1947, at Braunau am Inn, Austria, she then being Margit Aloisia Payer, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margit Aloisia Payer and Matthias Worontschak, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margit Aloisia Payer may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Matthias Worontschak had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Y8.

An Act to amend The Industrial Development Bank Act.

First reading, Thursday, 15th May, 1952.

The Honourable Senator ROBERTSON.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

57922

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Y[8].

An Act to amend The Industrial Development Bank Act.

1944-45, c. 44; 1949 (2nd Sess.), c. 26; 1950, c. 51.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. (1) Paragraph *(a)* of subsection one of section fifteen of *The Industrial Development Bank Act*, chapter forty-four of the statutes of 1944-45, as enacted by section two of chapter twenty-six of the statutes of 1949 (Second Session), is repealed and the following substituted therefor:

"*(a)* a person is engaged or about to engage in an industrial enterprise or commercial air service in Canada,"

(2) Paragraph *(c)* of the said subsection one is repealed and the following substituted therefor:

"*(c)* the amount invested or to be invested in the industrial enterprise or commercial air service by persons other than the Bank and the character of that investment are such as to afford the Bank reasonable protection,"

(3) Subsection two of the said section fifteen, as enacted by section two of chapter twenty-six of the statutes of 1949 (Second Session), is repealed and the following substituted therefor:

Limitation on commitments exceeding $200,000.00.

"(2) Notwithstanding subsection one, the aggregate of the amounts of the loans or liabilities of the Bank and of the expenditures by the Bank for securities held by it, specified in subsection three, shall not at any time exceed fifty million dollars."

Explanatory Notes.

1. Section fifteen at present reads as follows:

"**15.** (1) Subject to section fourteen, where in the opinion of the Board

(a) a person is engaged or about to engage in an industrial enterprise in Canada,

(b) credit or other financial resources would not otherwise be available on reasonable terms and conditions, and

(c) the amount invested or to be invested in the industrial enterprise by persons other than the Bank and the character of that investment are such as to afford the Bank reasonable protection,

the Bank may lend or guarantee loans of money to that person, and where that person is a corporation,

(i) enter into underwriting agreements in respect of the whole or any part of any issue of stock, bonds or debentures of the corporation, and

(ii) purchase or otherwise acquire with a view to resale thereof the whole or any part of any issue of stock, bonds or debentures of the corporation from the corporation or from any person with whom the Bank has entered into an underwriting agreement in respect of the said issue and may subsequently sell or otherwise dispose of the said stock, bonds or debentures.

(2) Notwithstanding subsection one, the aggregate of the amounts of the loans or liabilities of the Bank, and of the expenditures by the Bank for securities held by it, specified in subsection three, shall not at any time exceed *twenty-five* million dollars."

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Z[8].

An Act for the relief of Leo Kendall.

Read a first time, Monday, 19th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54706

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Z[8].

An Act for the relief of Leo Kendall.

Preamble.

WHEREAS Leo Kendall, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, clerk, has by his petition alleged that on the ninth day of June, A.D. 1945, at the County Borough of Lincoln, England, he and Vida Doreen Head, who was then of the said County Borough of Lincoln, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Leo Kendall and Vida Doreen Head, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Leo Kendall may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Vida Doreen Head had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL A9.

An Act for the relief of Tom Barnard Clayton Gould.

Read a first time, Monday, 19th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55613

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL A9.

An Act for the relief of Tom Barnard Clayton Gould.

Preamble.

WHEREAS Tom Barnard Clayton Gould, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, civil servant, has by his petition alleged that on the sixth day of February, A.D. 1930, at the said city, he and Laurette Marguerite Leclair, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Tom Barnard Clayton Gould and Laurette Marguerite Leclair, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Tom Barnard Clayton Gould may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Laurette Marguerite Leclair had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL B9.

An Act for the relief of Helene Laura Solomon Wiseberg.

Read a first time, Monday, 19th May, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55665

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL B9.

An Act for the relief of Helene Laura Solomon Wiseberg.

Preamble.

WHEREAS Helene Laura Solomon Wiseberg, residing at the city of Montreal, in the province of Quebec, wife of Sydney Seymour Wiseberg, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirtieth day of September, A.D. 1946, at the said city, she then being Helene Laura Solomon, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Helene Laura Solomon and Sydney Seymour Wiseberg, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Helene Laura Solomon may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Sydney Seymour Wiseberg had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL C9.

An Act for the relief of Joan Borland White.

Read a first time, Monday, 19th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

53657

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL C9.

An Act for the relief of Joan Borland White.

Preamble.

WHEREAS Joan Borland White, residing at the city of Cornwall, in the province of Ontario, stenographer, wife of Hubert Harold White, who is domiciled in Canada and residing at the city of Verdun, in the province of Quebec, has by her petition alleged that they were married on the ninth day of September, A.D. 1939, at the city of Montreal, in the said province of Quebec, she then being Joan Borland, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joan Borland and Hubert Harold White, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joan Borland may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Hubert Harold White had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL D9.

An Act for the relief of John Laurence McDonough.

Read a first time, Monday, 19th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54543

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL D[9].

An Act for the relief of John Laurence McDonough.

Preamble.

WHEREAS John Laurence McDonough, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, salesman, has by his petition alleged that on the sixth day of November, A.D. 1943, at the said city, he and Norma Lee Jean Robinson, who was then of the town of Montreal West, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Laurence McDonough and Norma Lee Jean Robinson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Laurence McDonough may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Norma Lee Jean Robinson had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL E9.

An Act for the relief of Jean Wiseman Schwartz.

Read a first time, Monday, 19th May, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

52407

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL E[9].

An Act for the relief of Jean Wiseman Schwartz.

Preamble.

WHEREAS Jean Wiseman Schwartz, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Bennie Schwartz, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-sixth day of March, A.D. 1933, at the said city, she then being Jean Wiseman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jean Wiseman and Bennie Schwartz, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jean Wiseman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Bennie Schwartz had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL F9.

An Act for the relief of Judith Sorel Riven Gainsbury.

Read a first time, Monday, 19th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54315

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL F[9].

An Act for the relief of Judith Sorel Riven Gainsbury.

Preamble.

WHEREAS Judith Sorel Riven Gainsbury, residing at the city of Montreal, in the province of Quebec, wife of Walter Gainsbury, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the ninth day of November, A.D. 1944, at the said city, she then being Judith Sorel Riven, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Judith Sorel Riven and Walter Gainsbury, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Judith Sorel Riven may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Walter Gainsbury had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL G9.

An Act for the relief of Agnes Bertha Baugh Guimont.

Read a first time, Monday, 19th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55416

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL G9.

An Act for the relief of Agnes Bertha Baugh Guimont.

Preamble.

WHEREAS Agnes Bertha Baugh Guimont, residing at the city of Montreal, in the province of Quebec, hairdresser, wife of Jean Marie Francois Vincent Guimont, who is domiciled in Canada and residing at the city of St. Jerome, in the said province, has by her petition alleged that they were married on the thirty-first day of October A.D. 1940, at St. Paul l'Ermite, in the said province, she then being Agnes Bertha Baugh, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Agnes Bertha Baugh and Jean Marie Francois Vincent Guimont, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Agnes Bertha Baugh may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Jean Marie Francois Vincent Guimont had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL H9.

An Act for the relief of Genevieve Flora Agatha Brown Smith.

Read a first time, Monday, 19th May, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55881

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL H⁹.

An Act for the relief of Genevieve Flora Agatha Brown Smith.

Preamble.

WHEREAS Genevieve Flora Agatha Brown Smith, residing at the city of Montreal, in the province of Quebec, inspectress, wife of Thomas David Herbert Smith, who is domiciled in Canada and residing at the village of Shawville, in the said province, has by her petition alleged that they were married on the thirtieth day of June, A.D. 1936, at the village of Campbell's Bay, in the said province, she then being Genevieve Flora Agatha Brown, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Genevieve Flora Agatha Brown and Thomas David Herbert Smith, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Genevieve Flora Agatha Brown may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Thomas David Herbert Smith had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL I[9].

An Act for the relief of Marcelle Alice Beliveau Martin.

Read a first time, Monday, 19th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54319

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL I[9].

An Act for the relief of Marcelle Alice Beliveau Martin.

Preamble.

WHEREAS Marcelle Alice Beliveau Martin, residing at Ville St. Laurent, in the province of Quebec, secretary, wife of Wilson Allan Martin, who is domiciled in Canada and residing at the said town, has by her petition alleged that they were married on the fifteenth day of July, A.D. 1944, at the town of Asbestos, in the said province, she then being Marcelle Alice Beliveau, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marcelle Alice Beliveau and Wilson Allan Martin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marcelle Alice Beliveau may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Wilson Allan Martin had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL J9.

An Act for the relief of Marcel Despatis.

Read a first time, Monday, 19th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

52195

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL J9.

An Act for the relief of Marcel Despatis.

Preamble.

WHEREAS Marcel Despatis, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, restaurateur, has by his petition alleged that on the twenty-fourth day of May, A.D. 1937, at the said city, he and Therese Syrie, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marcel Despatis and Therese Syrie, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marcel Despatis may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Therese Syrie had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL K[9].

An Act for the relief of Joseph Wilfrid Ernest Senecal.

Read a first time, Monday, 19th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54260

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL K[9].

An Act for the relief of Joseph Wilfrid Ernest Senecal.

Preamble.

WHEREAS Joseph Wilfrid Ernest Senecal, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, salesman, has by his petition alleged that on the twenty-third day of September, A.D. 1933, at the said city, he and Bernice Bigue, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Wilfrid Ernest Senecal and Bernice Bigue, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Wilfrid Ernest Senecal may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Bernice Bigue had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL L[9].

An Act for the relief of John Harold Roger Wright.

Read a first time, Thursday, 22nd May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
55645 OTTAWA, 1952

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL L⁹.

An Act for the relief of John Harold Roger Wright.

Preamble.

WHEREAS John Harold Roger Wright, domiciled in Canada and residing at the town of Plage Laval, in the province of Quebec, machinist, has by his petition alleged that on the fourteenth day of May, A.D. 1949, at the city of Montreal, in the said province, he and Dorothy May Chatfield, who was then of the city of Rosemount, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Harold Roger Wright and Dorothy May Chatfield, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Harold Roger Wright may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Dorothy May Chatfield had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL M9.

An Act for the relief of Agathe Neubauer Landsberg.

Read a first time, Thursday, 22nd May, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55396

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL M⁹.

An Act for the relief of Agathe Neubauer Landsberg.

Preamble.

WHEREAS Agathe Neubauer Landsberg, residing at the city of Montreal, in the province of Quebec, dressmaker, wife of Egon Theodore Landsberg, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-sixth day of June, A.D. 1943, at the city of Prescott, in the province of Ontario, she then being Agathe Neubauer, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Agathe Neubauer and Egon Theodore Landsberg, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Agathe Neubauer may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Egon Theodore Landsberg had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL N9.

An Act for the relief of Norma May Attridge Chilton.

Read a first time, Thursday, 22nd May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55133

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL N^{9}.

An Act for the relief of Norma May Attridge Chilton.

Preamble.

WHEREAS Norma May Attridge Chilton, residing at the village of Muirkirk, in the province of Ontario, wife of John Laidlaw Chilton, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the thirtieth day of September, A.D. 1939, at the said city, she then being Norma May Attridge, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Norma May Attridge and John Laidlaw Chilton, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Norma May Attridge may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Laidlaw Chilton had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL O9.

An Act for the relief of Andrea Gendron Repper.

Read a first time, Thursday, 22nd May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55980

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL O9.

An Act for the relief of Andrea Gendron Repper.

Preamble.] WHEREAS Andrea Gendron Repper, residing at the city of Montreal, in the province of Quebec, telephone operator, wife of Reginald Repper, who is domiciled in Canada and residing at the village of Chambly Bassin, in the said province, has by her petition alleged that they were married on the thirteenth day of September, A.D. 1941, at the said city, she then being Andrea Gendron, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Andrea Gendron and Reginald Repper, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Andrea Gendron may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Reginald Repper had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL P9.

An Act for the relief of Edith Bessie Franks Parsons.

Read a first time, Thursday, 22nd May, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56461

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL P9.

An Act for the relief of Edith Bessie Franks Parsons.

Preamble.

WHEREAS Edith Bessie Franks Parsons, residing at the city of Lachine, in the province of Quebec, wife of William Woodward Parsons, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twelfth day of December, A.D. 1935, at the city of Verdun, in the said province, she then being Edith Bessie Franks, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edith Bessie Franks and William Woodward Parsons, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edith Bessie Franks may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Woodward Parsons had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Q9.

An Act for the relief of Annie Teresa Nash Pelltari.

Read a first time, Thursday, 22nd May, 1952.

The Honourable the Chairman of the
Committee on Divorce

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

51401

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Q9.

An Act for the relief of Annie Teresa Nash Pelltari.

Preamble.

WHEREAS Annie Teresa Nash Pelltari, residing at the city of Verdun, in the province of Quebec, clerk, wife of Allan Roy Pelltari, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-second day of September, A.D. 1945, at the said city of Verdun, she then being Annie Teresa Nash, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Annie Teresa Nash and Allan Roy Pelltari, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Annie Teresa Nash may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Allan Roy Pelltari had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL R[9].

An Act for the relief of Marie Clemence Morice Waldbauer.

Read a first time, Thursday, 22nd May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54698

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL R⁹.

An Act for the relief of Mary Clemence Morice Waldbauer.

Preamble.

WHEREAS Mary Clemence Morice Waldbauer, residing at Ville St. Laurent, in the province of Quebec, stenographer, wife of Louis Hugh Frederick Waldbauer, who is domiciled in Canada and residing at the City of Montreal, in the said province, has by her petition alleged that they were married on the sixth day of August, A.D. 1948, at the said city of Montreal, she then being Mary Clemence Morice, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Clemence Morice and Louis Hugh Frederick Waldbauer, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Clemence Morice may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Louis Hugh Frederick Waldbauer had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL S9.

An Act for the relief of John Gordon Smithers.

Read a first time, Thursday, 22nd May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54567

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL S9.

An Act for the relief of John Gordon Smithers.

Preamble.

WHEREAS John Gordon Smithers, domiciled in Canada and residing at the town of Pointe Claire, in the province of Quebec, maintenance man, has by his petition alleged that on the third day of January, A.D. 1946, at the town of Charlotte, in the province of New Brunswick, he and Hilda Bernadine Wright, who was then of the town of St. George, in the said province of New Brunswick, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Gordon Smithers and Hilda Bernadine Wright, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Gordon Smithers may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Hilda Bernadine Wright had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL T9.

An Act for the relief of Libby Levine Bloom.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the
Committee on Divorce

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55141

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL T9.

An Act for the relief of Libby Levine Bloom.

Preamble.

WHEREAS Libby Levine Bloom, residing at the city of Montreal, in the province of Quebec, merchant, wife of Isidore Bloom, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventh day of February, A.D. 1936, at the said city, she then being Libby Levine, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Libby Levine and Isidore Bloom, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Libby Levine may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Isidore Bloom had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL U9.

An Act for the relief of Shirley Israel Thau.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the
Committee on Divorce

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55873

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL U9.

An Act for the relief of Shirley Israel Thau.

Preamble.

WHEREAS Shirley Israel Thau, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Jack Thau, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-sixth day of December, A.D. 1948, at the said city, she then being Shirley Israel, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Shirley Israel and Jack Thau, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Shirley Israel may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Jack Thau had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL V9.

An Act for the relief of Ralph Patrick Barker.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56248

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL V9.

An Act for the relief of Ralph Patrick Barker.

Preamble.

WHEREAS Ralph Patrick Barker, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, salesman, has by his petition alleged that on the eleventh day of October, A.D. 1947, at the said city, he and Irene Rigby, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ralph Patrick Barker and Irene Rigby, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ralph Patrick Barker may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Irene Rigby had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL W9.

An Act for the relief of Madeliene Kostick Glock.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the
Committee on Divorce

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
55653 OTTAWA, 1952

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL W9.

An Act for the relief of Madeliene Kostick Glock.

Preamble.

WHEREAS Madeliene Kostick Glock, residing at the city of Montreal, in the province of Quebec, waitress, wife of Martin Glock, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the first day of August, A.D. 1940, at the city of Brandon, in the province of Manitoba, she then being Madeliene Kostick, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Madeliene Kostick and Martin Glock, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Madeliene Kostick may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Martin Glock had not been solemnized.

Sixth Session, Twenty-First Parliament. 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL X[9].

An Act for the relief of Olive Myrtle Weston Rouet.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the
Committee on Divorce

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

51850

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL X⁹.

An Act for the relief of Olive Myrtle Weston Rouet.

Preamble.

WHEREAS Olive Myrtle Weston Rouet, residing at the city of Montreal, in the province of Quebec, wife of Armand Clarence Cyril Rouet, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of May, A.D. 1943, at the said city, she then being Olive Myrtle Weston, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Olive Myrtle Weston and Armand Clarence Cyril Rouet, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Olive Myrtle Weston may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Armand Clarence Cyril Rouet had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Y[9].

An Act for the relief of John William Day.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55964

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Y9.

An Act for the relief of John William Day.

Preamble.

WHEREAS John William Day, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, assistant treasurer, has by his petition alleged that on the twenty-first day of June, A.D. 1922, at the municipality of Rosemere, in the said province, he and Catherine Mary Ann Garth, who was then of the said municipality of Rosemere, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John William Day and Catherine Mary Ann Garth, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John William Day may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Catherine Mary Ann Garth had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Z⁹.

An Act for the relief of Marcelle Marchand Adams.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55153

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Z[9].

An Act for the relief of Marcelle Marchand Adams.

Preamble.

WHEREAS Marcelle Marchand Adams, residing at the city of Montreal, in the province of Quebec, wife of Ernest John Adams, who is domiciled in Canada and residing at the town of Dorval, in the said province, has by her petition alleged that they were married on the twenty-third day of November, A.D. 1946, at the town of Champlain, in the state of New York, one of the United States of America, she then being Marcelle Marchand, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marcelle Marchand and Ernest John Adams, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marcelle Marchand may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ernest John Adams had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL A[10].

An Act for the relief of Marie Marguerite Germaine Aubert Forest.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

57193

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL A[10].

An Act for the relief of Marie Marguerite Germaine Aubert Forest.

Preamble.

WHEREAS Marie Marguerite Germaine Aubert Forest, residing at the city of Montreal, in the province of Quebec, wife of Joseph Charles Gilles Forest, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of November, A.D. 1942, at the said city, she then being Marie Marguerite Germaine Aubert, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marie Marguerite Germaine Aubert and Joseph Charles Gilles Forest, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marie Marguerite Germaine Aubert may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Charles Gilles Forest had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL B[10].

An Act for the relief of Betty Lauraine Conner Norell.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56465

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL B[10].

An Act for the relief of Betty Lauraine Conner Norell.

Preamble.

WHEREAS Betty Lauraine Conner Norell, residing at the city of Montreal, in the province of Quebec, secretary, wife of Sven Aage Lofkrantz Norell, who is domiciled in Canada and residing at Ile Bigras, in the said province, has by her petition alleged that they were married on the twenty-fourth day of December, A.D. 1946, at the said city, she then being Betty Lauraine Conner, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Betty Lauraine Conner and Sven Aage Lofkrantz Norell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Betty Lauraine Conner may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Sven Aage Lofkrantz Norell had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL C[10].

An Act for the relief of Francoise Marguerite Beaudin Patrick.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

52284

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL C[10].

An Act for the relief of Francoise Marguerite Beaudin Patrick.

Preamble.

WHEREAS Francoise Marguerite Beaudin Patrick, residing at the city of Montreal, in the province of Quebec, typist, wife of Albert Michael Patrick, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventh day of August, A.D. 1948, at the said city, she then being Francoise Marguerite Beaudin, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Francoise Marguerite Beaudin and Albert Michael Patrick, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Francoise Marguerite Beaudin may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Albert Michael Patrick had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL D[10].

An Act for the relief of Albert Chevalier.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

52403

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL D[10].

An Act for the relief of Albert Chevalier.

Preamble.

WHEREAS Albert Chevalier, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mechanic, has by his petition alleged that on the fifth day of August, A.D. 1950, at the said city, he and Lera Rombough, who was then of the said city, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Albert Chevalier and Lera Rombough, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Albert Chevalier may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Lera Rombough had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL E[10].

An Act for the relief of Greta Mildred Duncan Croteau.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54563

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL E[10].

An Act for the relief of Greta Mildred Duncan Croteau.

Preamble.

WHEREAS Greta Mildred Duncan Croteau, residing at the city of Montreal, in the province of Quebec, wife of Joseph Raymond Marcel Croteau, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of May, A.D. 1941, at the said city, she then being Greta Mildred Duncan, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Greta Mildred Duncan and Joseph Raymond Marcel Croteau, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Greta Mildred Duncan may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Raymond Marcel Croteau had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL F[10].

An Act for the relief of Roland Lesage.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56240

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL F[10].

An Act for the relief of Roland Lesage.

Preamble.

WHEREAS Roland Lesage, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, frog fitter, has by his petition alleged that on the fourth day of October, A.D. 1947, at the said city, he and Henrietta Savoie, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Roland Lesage and Henrietta Savoie, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Roland Lesage may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Henrietta Savoie had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL G[10].

An Act for the relief of Leo Bercovitch.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54571

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL G[10].

An Act for the relief of Leo Bercovitch.

Preamble.

WHEREAS Leo Bercovitch, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, restaurateur, has by his petition alleged that on the eighteenth day of September, A.D. 1936, at the city of Albany, in the state of New York, one of the United States of America, he and Hulda Marie Leistner, who was then of the said city of Albany, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Leo Bercovitch and Hulda Marie Leistner, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Leo Bercovitch may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Hulda Marie Leistner had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL H[10].

An Act for the relief of Joseph Raymond Demers.

Read a first time, Tuesday, 27th May, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55609

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL H[10].

An Act for the relief of Joseph Raymond Demers.

Preamble.

WHEREAS Joseph Raymond Demers, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, plumber, has by his petition alleged that on the thirty-first day of October, A.D. 1949, at the city of Westmount, in the said province, he and Aline Denise Meloche, who was then of the said city of Montreal, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Raymond Demers and Aline Denise Meloche, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Raymond Demers may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Aline Denise Meloche had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL I[10].

An Act for the relief of Joseph Timothy O'Connor.

Read a first time, Monday, 2nd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55165

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL I[10].

An Act for the relief of Joseph Timothy O'Connor.

Preamble.

WHEREAS Joseph Timothy O'Connor, domiciled in Canada and residing at the town of Beaconsfield, in the province of Quebec, pensioner, has by his petition alleged that on the sixth day of November, A.D. 1923, at the city of Montreal, in the said province, he and Nell Eldon Chandler, who was then of the city of Montreal, a spinster, were married; and whereas by his petition he has prayed that, because of her refusal to consummate the said marriage, their marriage be annulled; and whereas the said marriage and refusal to consummate have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage annulled.

1. The said marriage between Joseph Timothy O'Connor and Nell Eldon Chandler, his wife, is hereby annulled, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Timothy O'Connor may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Nell Eldon Chandler had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL J[10].

An Act for the relief of Victoria Elias Abdelhay.

Read a first time, Monday, 2nd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55629

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL J[10].

An Act for the relief of Victoria Elias Abdelhay.

Preamble.

WHEREAS Victoria Elias Abdelhay, residing at the city of Montreal, in the province of Quebec, wife of Alexandre Abdelhay, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eleventh day of November, A.D. 1924, at the city of Beyrouth, Syria, she then being Victoria Elias, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Victoria Elias and Alexandre Abdelhay, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Victoria Elias may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Alexandre Abdelhay had not been solemnized.

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL K[10].

An Act for the relief of Margaret Edith Grace Batt Trent.

Read a first time, Monday, 2nd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55149

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL K[10].

An Act for the relief of Margaret Edith Grace Batt Trent.

Preamble.

WHEREAS Margaret Edith Grace Batt Trent, residing at Ville St. Laurent, in the province of Quebec, wife of Charles William Trent, who is domiciled in Canada and residing at the town of Dorval, in the said province, has by her petition alleged that they were married on the twenty-seventh day of June, A.D. 1941, at the city of Montreal, in the said province, she then being Margaret Edith Grace Batt, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Edith Grace Batt and Charles William Trent, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Edith Grace Batt may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles William Trent had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL L[10].

An Act for the relief of Pearl Abramovitch Hoffman.

Read a first time, Monday, 2nd June, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54702

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL L[10].

An Act for the relief of Pearl Abramovitch Hoffman.

Preamble.

WHEREAS Pearl Abramovitch Hoffman, residing at the city of Montreal, in the province of Quebec, finisher, wife of Abie Hoffman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of June, A.D. 1938, at the said city, she then being Pearl Abramovitch, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Pearl Abramovitch and Abie Hoffman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Pearl Abramovitch may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Abie Hoffman had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL M[10].

An Act for the relief of Lily Sperling Kofsky.

Read a first time, Monday, 2nd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55893

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL M[10].

An Act for the relief of Lily Sperling Kofsky.

Preamble.

WHEREAS Lily Sperling Kofsky, residing at the city of Montreal, in the province of Quebec, secretary, wife of Reuben Kofsky, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-first day of June, A.D. 1947, at the city of Outremont, in the said province, she then being Lily Sperling, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lily Sperling and Reuben Kofsky, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lily Sperling may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Reuben Kofsky had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL N[10].

An Act for the relief of Jean Isobel Taylor Cuffling.

Read a first time, Monday, 2nd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER. C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55972

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL N[10].

An Act for the relief of Jean Isobel Taylor Cuffling.

Preamble.

WHEREAS Jean Isobel Taylor Cuffling, residing at the city of Westmount, in the province of Quebec, secretary, wife of Keith Gardiner Cuffling, who is domiciled in Canada and residing at the city of Longueuil, in the said province, has by her petition alleged that they were married on the eighteenth day of September, A.D. 1948, at the city of Montreal, in the said province, she then being Jean Isobel Taylor, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jean Isobel Taylor and Keith Gardiner Cuffling, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jean Isobel Taylor may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Keith Gardiner Cuffling had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL O[10].

An Act for the relief of Charles William Ledger.

Read a first time, Monday, 2nd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA 1952

55637

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL O[10].

An Act for the relief of Charles William Ledger.

Preamble.

WHEREAS Charles William Ledger, domiciled in Canada and residing at the city of Sherbrooke, in the province of Quebec, caretaker, has by his petition alleged that on the nineteenth day of August, A.D. 1933, at the said city, he and Rose Marie St. Germain, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Charles William Ledger and Rose Marie St. Germain, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Charles William Ledger may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Rose Marie St. Germain had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL P[10].

An Act for the relief of Benjamin Gordon Church.

Read a first time, Monday, 2nd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56725

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL P[10].

An Act for the relief of Benjamin Gordon Church.

Preamble.

WHEREAS Benjamin Gordon Church, domiciled in Canada and residing at the town of Chateauguay, in the province of Quebec, construction superintendent, has by his petition alleged that on the fourteenth day of June, A.D. 1947, at the city of Montreal, in the said province, he and Andree Duquet, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Benjamin Gordon Church and Andree Duquet, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Benjamin Gordon Church may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Andree Duquet had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Q[10].

An Act for the relief of Laura Juliette Aubert Macdonald.

Read a first time, Monday, 2nd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56623

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Q[10].

An Act for the relief of Laura Juliette Aubert Macdonald.

Preamble.

WHEREAS Laura Juliette Aubert Macdonald, residing at the city of Montreal, in the province of Quebec, wife of Ernest Stewart Macdonald, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirtieth day of January, A.D. 1939, at the said city, she then being Laura Juliette Aubert, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Laura Juliette Aubert and Ernest Stewart Macdonald, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatosever.

Right to marry again.

2. The said Laura Juliette Aubert may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ernest Stewart Macdonald had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL R[10].

An Act for the relief of Jean Lesly Macfarlane Cameron.

Read a first time, Monday, 2nd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55996

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL R[10].

An Act for the relief of Jean Lesly Macfarlane Cameron.

Preamble.

WHEREAS Jean Lesly Macfarlane Cameron, residing at the town of Fort Chambly, in the province of Quebec, stenographer, wife of Allan Cameron, who is domiciled in Canada and residing at the village of Mont Laurier, in the said province, has by her petition alleged that they were married on the twenty-ninth day of July, A.D. 1944, at the said town, she then being Jean Lesly Macfarlane, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jean Lesly Macfarlane and Allan Cameron, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jean Lesly Macfarlane may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Allan Cameron had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL S[10].

An Act for the relief of Sarto Desnoyers.

Read a first time, Monday, 2nd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

52986

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL S[10].

An Act for the relief of Sarto Desnoyers.

Preamble.

WHEREAS Sarto Desnoyers, domiciled in Canada and residing at the town of Dorval, in the province of Quebec, pharmacist, has by his petition alleged that on the thirtieth day of September, A.D. 1944, at the city of New York, in the state of New York, one of the United States of America, he and Yvette Desjarlais, who was then of the city of Montreal, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Sarto Desnoyers and Yvette Desjarlais, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sarto Desnoyers may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Yvette Desjarlais had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL T[10].

An Act for the relief of Jean Marc Duckett Audet.

Read a first time, Monday, 2nd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER. C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54236

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL T[10].

An Act for the relief of Jean Marc Duckett Audet.

Preamble.

WHEREAS Jean Marc Duckett Audet, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, radio technician, has by his petition alleged that on the twentieth day of December, A.D. 1941, at the said city, he and Marie Eva Lucette Gisele Schmidt, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jean Marc Duckett Audet and Marie Eva Lucette Gisele Schmidt, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jean Marc Duckett Audet may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Eva Lucette Gisele Schmidt had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL U[10].

An Act for the relief of Eugene Cote.

Read a first time, Monday, 2nd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55889

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL U[10].

An Act for the relief of Eugene Cote.

Preamble.

WHEREAS Eugene Cote, domiciled in Canada and residing at the village of St. Philippe-de-Neri, in the province of Quebec, shingle sawyer, has by his petition alleged that on the thirty-first day of December, A.D. 1923, at the village of Grand Falls, in the province of New Brunswick, he and Edna May Poitras, who was then of the said village of Grand Falls, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eugene Cote and Edna May Poitras, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eugene Cote may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Edna May Poitras had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL V[10].

An Act to amend the Criminal Code.
(Race Meetings).

Read a first time, Monday, 2nd June, 1952.

Honourable Senator ROBERTSON.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

58605

R.S., c. 36; 1930, c. 11; 1931, c. 28; 1932, cc. 7, 8, 9, 28; 1932-33, cc. 25, 53; 1934, cc. 11, 47; 1935, cc. 36, 56; 1936, c. 29; 1938, c. 44; 1939, c. 30; 1943-44, c. 23; 1944-45, c. 35; 1946, cc. 5, 20; 1947, cc. 31, 55; 1947-48, cc. 39, 40; 1949 (2nd. Sess.,) cc. 2, 13; 1950, cc. 11, 12; 1951, cc. 25, 47.

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL V[10].

An Act to amend the Criminal Code.
(Race Meetings).

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection four of section two hundred and thirty-five of the *Criminal Code*, chapter thirty-six of the revised statutes of Canada, 1927, is repealed and the following substituted therefor:—

Idem.

"(4) Where any person or association becomes a custodian or depository of any money, bet or stakes under a pari-mutuel system during the actual progress of a race meeting conducted by and on the race course of an association in accordance with this section, upon races being run thereon, the percentage deducted and retained by the person or association in respect of each race from the total amount of money so deposited, or of which the person or association becomes the custodian, shall not exceed nine per cent, and, in addition, the person or association may retain the remainder occurring in each calculation under the regulations of the amount payable in respect of each dollar wagered, and any odd cents over any multiple of five cents in the amount so calculated."

Explanatory Note.

Subsection four of section two hundred and thirty-five of the *Criminal Code*, chapter thirty-six of the revised statutes of Canada, 1927, as enacted by chapter 25 of the statutes of 1951, now reads as follows:—

"(4) Where any person or association becomes a custodian or depository of any money, bet or stakes under a pari-mutuel system during the actual progress of a race meeting conducted by and on the race course of an association in accordance with this section, upon races being run thereon, the percentage deducted and retained by the person or association in respect of each race from the total amount of money so deposited, or of which the person or association becomes the custodian, shall not exceed the following:

(a) Where the total amount staked or deposited on each race is $20,000 or under.....9 per cent.

(b) Over $20,000 but not over $30,000, 9 per cent. on $20,000 and on the excess.....8 per cent.

(c) Over $30,000 but not over $40,000, 9 per cent. on the first $20,000, 8 per cent. on the next $10,000, and on the excess.....7 per cent.

(d) Over $40,000 but not over $50,000, 9 per cent. on the first $20,000, 8 per cent. on the next $10,000, 7 per cent. on the next $10,000 and on the excess.....6 per cent.

(e) Over $50,000, 9 per cent. on the first $20,000, 8 per cent. on the next $10,000, 7 per cent. on the next $10,000, 6 per cent. on the next $10,000 and on the excess.....5 per cent.

and in addition to such percentages, the person or association is also entitled to retain the odd cents over any multiple of five cents, and the odd cents may be eliminated from the amount to be paid to any bettor."

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL W10.

An Act for the relief of Jean Baptiste Armand Michaud.

Read a first time, Tuesday, 3rd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55400

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL W[10].

An Act for the relief of Jean Baptiste Armand Michaud.

Preamble.

WHEREAS Jean Baptiste Armand Michaud, domiciled in Canada and residing at the town of Boucherville, in the province of Quebec, physician, has by his petition alleged that on the fourth day of June, A.D. 1936, at the said town, he and Therese Lassonde, who was then of the said town, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jean Baptiste Armand Michaud and Therese Lassonde, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jean Baptiste Armand Michaud may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Therese Lassonde had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL X[10].

An Act for the relief of Anna Lapinska Cholewicki.

Read a first time, Tuesday, 3rd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

53998

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL X[10].

An Act for the relief of Anna Lapinska Cholewicki.

Preamble.

WHEREAS Anna Lapinska Cholewicki, residing at the city of Montreal, in the province of Quebec, dressmaker, wife of Pawel Cholewicki, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of February, A.D. 1930, at the said city, she then being Anna Lapinska, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Anna Lapinska and Pawel Cholewicki, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Anna Lapinska may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Pawel Cholewicki had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Y[10].

An Act for the relief of Alexander William Hyndman.

Read a first time, Tuesday, 3rd June, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56326

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Y[10].

An Act for the relief of Alexander William Hyndman.

Preamble.

WHEREAS Alexander William Hyndman, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, dentist, has by his petition alleged that on the eighteenth day of January, A.D. 1928, at the said city, he and Margaret Mary Green, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alexander William Hyndman and Margaret Mary Green, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alexander William Hyndman may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Margaret Mary Green had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Z[10].

An Act for the relief of Vivian Mary Dickson Stewart.

Read a first time, Tuesday, 3rd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

51846

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Z[10].

An Act for the relief of Vivian Mary Dickson Stewart.

Preamble.

WHEREAS Vivian Mary Dickson Stewart, residing at the city of Montreal, in the province of Quebec, bank clerk, wife of Russell Birch Stewart, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twentieth day of October, A.D. 1945, at the said city, she then being Vivian Mary Dickson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Vivian Mary Dickson and Russell Birch Stewart, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Vivian Mary Dickson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Russell Birch Stewart had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL A[11].

An Act for the relief of Stanley Baker Smith.

Read a first time, Tuesday, 3rd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55657

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL A[11].

An Act for the relief of Stanley Baker Smith.

Preamble.

WHEREAS Stanley Baker Smith, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mill foreman, has by his petition alleged that on the nineteenth day of September, A.D. 1936, at the said city, he and Margaret Somerville, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Stanley Baker Smith and Margaret Somerville, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Stanley Baker Smith may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Margaret Somerville had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL B[11].

An act for the relief of Rebekah Ellinor Conley Burman.

Read a first time, Tuesday, 3rd June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55988

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL B[11].

An Act for the relief of Rebekah Ellinor Conley Burman.

Preamble.

WHEREAS Rebekah Ellinor Conley Burman, residing at the city of Kingston, in the province of Ontario, hairdresser, wife of John Henry Burman, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the fifteenth day of September, A.D. 1923, at Rouses Point, in the state of New York, one of the United States of America, she then being Rebekah Ellinor Conley, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rebekah Ellinor Conley and John Henry Burman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rebekah Ellinor Conley may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Henry Burman had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL C11.

An Act for the relief of Allan Gowans.

Read a first time, Tuesday, 3rd June, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55649

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL C[11].

An Act for the relief of Allan Gowans.

Preamble.

WHEREAS Allan Gowans, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, accountant, has by his petition alleged that on the ninth day of September, A.D. 1936, at the said city, he and Evelyn Ruth Elliott, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Allan Gowans and Evelyn Ruth Elliott, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Allan Gowans may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Evelyn Ruth Elliott had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL D[11].

An Act for the Control of Traffic on Government Property.

Read a first time, Wednesday, 4th June, 1952.

Honourable Senator ROBERTSON.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

59230

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL D[11].

An Act for the Control of Traffic on Government Property.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

1. This Act may be cited as *The Government Property Traffic Act.*

Regulations.

2. (1) The Governor in Council may make regulations for the control of traffic upon any lands belonging to Her Majesty in right of Canada, and in particular, but without restricting the generality of the foregoing, may make regulations

(a) regulating the speed and parking of vehicles and prescribing routes of travel;

(b) respecting one-way traffic, obstruction of traffic, and pedestrian traffic;

(c) for directing traffic and erecting signs;

(d) prohibiting traffic by such vehicles at such times, in such places and in such circumstances as may be prescribed in the regulations;

(e) prohibiting unnecessary noise in the vicinity of buildings;

(f) authorizing officers to enforce the regulations; and

(g) prescribing a fine not exceeding fifty dollars or a term of imprisonment not exceeding two months, or both fine and a term of imprisonment, to be imposed upon summary conviction as a penalty for violation of any regulation.

Classification of vehicles.

(2) The Governor in Council may classify vehicles according to dimensions, design, use, weight, kind or otherwise, and may make regulations under subsection one with respect to any or all such class or classes.

Explanatory Notes.

The purpose of this Bill is to revise and clarify the present statute for the regulation of traffic on Government property. The main changes are:

2. The present Act authorizes regulations only with respect to Crown property over which no public right of way exists. This is an unworkable limitation and it is proposed to authorize regulations in respect of Crown property, whether or not any public right of way exists.

Liability of owner.

3. (1) Where a vehicle is operated or parked in contravention of any regulation, the owner of the vehicle is liable to the penalties prescribed by the regulations for such contravention, unless at the time of such contravention the vehicle was not operated or parked, as the case may be, by the owner or by any other person with the owner's consent, express or implied.

Operator not relieved of liability.

(2) Nothing in this section relieves a person who operates or parks a vehicle in contravention of a regulation from the penalty prescribed for such contravention.

Evidence.

4. In any prosecution for a violation of a regulation, a certificate stating that Her Majesty in right of Canada is the owner of the lands described therein and purporting to be signed by

(a) the Minister of Public Works or his Deputy, Assistant Deputy or Acting Deputy,

(b) the Minister of the department having the control and management of the lands or his Deputy, Assistant Deputy or Acting Deputy, or

(c) the officer or person having custody of the documents of title or other appropriate records,

shall be received in evidence without proof of the signature or the official character of the person appearing to have signed the certificate, and without further proof thereof, and is *prima facie* proof that the lands belong to Her Majesty in right of Canada.

Repeal.

5. *An Act to provide for the regulation of Vehicular Traffic on Dominion property*, chapter forty-seven of the statutes of 1930, is repealed.

3. It is not clear whether regulations can be made imposing liability on the owner where some other person operates a vehicle with his consent. This is a common provision in traffic Acts.

4. In order to facilitate proof of ownership of land, provision is made for the admission of certificates as *prima facie* proof.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL E[11].

An Act respecting Food, Drugs, Cosmetics and Therapeutic Devices.

Read a first time, Wednesday, 4th June, 1952.

HONOURABLE SENATOR ROBERTSON.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

59234

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL E[11].

An Act respecting Food, Drugs, Cosmetics and Therapeutic Devices.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title.

Short title.

1. This Act may be cited as *The Food and Drugs Act.*

Interpretation.

Definitions.

2. In this Act,

"advertisement".

(a) "advertisement" includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of any food, drug, cosmetic or device;

"analyst".

(d) "analyst" means any person designated as a Food and Drug Analyst under subsection two of section twenty-four;

"cosmetic".

(c) "cosmetic" includes any substance or mixture of substances that may be used in or is represented for use in cleansing, improving or altering the complexion, skin, hair or teeth, and includes deodorants and perfumes;

"department".

(d) "department" means the Department of National Health and Welfare;

"device".

(e) "device" means any instrument, apparatus or contrivance, including components, parts, and accessories thereof, that may be used in or is represented for use in

(i) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal, or

Explanatory Notes.

The purpose of this Bill is to revise and consolidate the *Food and Drugs Act* (R.S., 1927, c. 76, as amended); to remove certain anomalies and to make more specific provision for certain matters to recognize modern trade and manufacturing practices.

The Bill provides a more orderly approach to the subject matter of the legislation in dealing individually with foods, drugs, cosmetics and devices, and with recognition in the case of each of the matters and characteristics peculiar or relevant thereto.

Apart from the rearrangement of the provisions of the Act and the removal of certain anomalies therefrom the Bill also makes specific provision for certain matters not contained in the present Act. Amongst these are—

(i) the keeping of records by manufacturers and others in addition to those who are presently required to keep records respecting biological preparations, as may be necessary for the purposes of the Act;

(ii) the prohibition of the sale of an article that has been manufactured, packaged or stored in an unsanitary place or under unsanitary conditions;

(iii) a means of judicial as well as administrative determination for forfeiture to the Crown of foods, drugs, cosmetics or devices which are in violation of the Act, and

(iv) certain enforcement changes, including an increase in penalties, the provision of trial of offences upon indictment as well as by summary conviction procedure.

Unless otherwise indicated, the following section, subsection, paragraph or subparagraph references are to corresponding provisions in the present *Food and Drugs Act* with explanation of any substantial changes or indication by the use of the word "Revised" of minor or drafting changes.

1. Section 1.

2. *(a)* New.
(b) Section 2 *(b)* Revised.
(c) Section 2 *(k)* Revised.
(d) Section 2 *(a)* Revised.
(e) New.

(ii) affecting the structure or any function of the body of man or animal;

"drug". *(f)* "drug" includes any substance or mixture of substances that may be used for or is represented for use in

(i) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal,

(ii) restoring, correcting or modifying organic functions in man or animal, or

(iii) disinfection in premises in which food is manufactured, prepared or kept, or for the control of vermin in such premises;

"food". *(g)* "food" includes any article that may be used for food or drink by man, chewing gum, and any ingredient that may be mixed with food for any purpose whatsoever;

"inspector". *(h)* "inspector" means any person designated as a Food and Drug Inspector under subsection two of section twenty-four;

"label". *(i)* "label" includes any legend, word or mark attached to, included in, belonging to or accompanying any food, drug, cosmetic, device or package;

"Minister". *(j)* "Minister" means the Minister of National Health and Welfare;

"package". *(k)* "package" includes any thing in which any food, drug, cosmetic or device is wholly or partly contained, placed or packed;

"prescribed". *(l)* "prescribed" means prescribed by the regulations; and

"sell". *(m)* "sell" includes sell, offer for sale, expose for sale, manufacture for sale, have in possession for sale and distribute.

PART I.

Foods, Drugs, Cosmetics and Devices.

General.

No food, drug, etc., to be advertised or sold as a treatment, etc., for certain diseases.

3. (1) No person shall advertise any food, drug, cosmetic or device to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states mentioned in Schedule A.

Idem.

(2) No person shall sell any food, drug, cosmetic or device

(a) that is represented by label, or

(b) that he advertises to the general public

as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states mentioned in Schedule A.

(f) Section 2 *(c)* Revised.

(g) Section 2 *(d)* Revised.

(h) Section 2 *(e)* Revised.

(i) New.

(j) Section 2 *(g)* Revised.

(k) Section 2 *(h)* Revised.

(l) New.

(m) New.
Definitions in present Act of "magistrate", "sample", "manufacture" and "medicine" are dropped.

3. Section 6A. Section 3 divides Section 6A into two subsections, the first to cover the offence of advertising to the general public an article as a treatment, preventive or cure for the diseases mentioned in Schedule "A" and the second to prohibit the sale of an article that is so represented by label or which the vendor advertises to the general public for such purpose.

Food.

Prohibited sales of food.

4. No person shall sell an article of food that

(a) has in or upon it any poisonous or harmful substance;

(b) is unfit for human consumption;

(c) consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance;

(d) is adulterated; or

(e) was manufactured, prepared, preserved, packaged or stored in any unsanitary place or under unsanitary conditions.

Deception.

5. (1) No person shall label, package, treat, process, sell or advertise any food in a manner that is false, exaggerated, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.

Idem.

(2) An article of food that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection one.

Where standard prescribed.

6. Where a standard has been prescribed for a food, no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such food, unless the article complies with the prescribed standard.

Manufacture of food in unsanitary place.

7. No person shall manufacture, prepare, preserve, package or store for sale any food in any unsanitary place or under unsanitary conditions.

Drugs.

Prohibited sales of drugs.

8. No person shall sell any drug that

(a) was manufactured, prepared, preserved, packed or stored in any unsanitary place or under unsanitary conditions; or

(b) is adulterated.

Deception.

9. (1) No person shall label, package, treat, process, sell or advertise any drug in a manner that is false, exaggerated, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.

Idem.

(2) A drug that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection one.

4. *(a)* Section 4 *(f)* Revised.

(b) Section 4 *(d)* in part.
(c) Section 4 *(d)* in part.

(d) Sections 4 and 23 Revised.
(e) New.

5. (1) Section 32A. Present Section 32A deals with false or deceptive advertisements only whereas the Bill extends such provision to matters of labelling, packaging, treating, processing and selling a food.

(2) Section 7 *(e)*, *(g)* and *(h)* Revised.

6. Section 7 *(a)* and *(c)* Revised.

7. New.

8. *(a)* New.

(b) Sections 6 and 23 Revised.

9. (1) Section 32A. As mentioned in connection with Section 5 of the Bill as applied to a food the present Section 32A deals with false or deceptive advertisements only whereas the Bill extends such provision to matters of labelling, packaging, treating, processing and selling a drug.
(2) Section 7 *(e)*, *(g)* and *(h)* Revised.

Where standard prescribed.

10. (1) Where a standard has been prescribed for a drug, no person shall label, package, sell or advertise any substance in such a manner that it is likely to be mistaken for such drug, unless the substance complies with the prescribed standard.

Trade standards.

(2) Where a standard has not been prescribed for a drug, but a standard for the drug is contained in any publication mentioned in Schedule B, no person shall label, package, sell or advertise any substance in such a manner that it is likely to be mistaken for such drug, unless the substance complies with such standard.

Professed standards.

(3) Where a standard for a drug has not been prescribed and no standard for the drug is contained in any publication mentioned in Schedule B, no person shall sell such drug, unless

(a) it is in accordance with the professed standard under which it is sold, and

(b) it does not resemble, in a manner likely to deceive, any drug for which a standard has been prescribed or is contained in any publication mentioned in Schedule B.

Manufacture of drug in unsanitary place.

11. No person shall manufacture, prepare, preserve, package or store for sale any drug in any unsanitary place or under unsanitary conditions.

Sale of certain drugs prohibited unless safe for use.

12. No person shall sell any drug described in Schedule C or D unless the Minister has, in prescribed form and manner, indicated that the premises in which the drug was manufactured and the process and conditions of manufacture therein are suitable to ensure that the drug will not be unsafe for use.

Idem.

13. No person shall sell any drug described in Schedule E unless the Minister has, in prescribed form and manner, indicated that the batch from which the drug was taken is not unsafe for use.

Distribution of samples prohibited.

14. (1) No person shall distribute or cause to be distributed any drug as a sample.

Exception.

(2) Subsection one does not apply to the distribution of drugs by mail or otherwise to physicians, dentists or veterinary surgeons or to the distribution of drugs, other than those mentioned in Schedule F, to registered pharmacists for individual redistribution to adults only or to a distributor in compliance with individual requests.

10. (1) Section 6 (4) Revised.

(2) Section 6 (1) Revised.

(3) Section 6 (1) and (2) Revised.

11. New.

12. Section 6 (3), *(c)* and *(d)* Revised.

13. Section 6 (3), *(e)* Revised.

14. (1) Section 31. The Bill prohibits the general distribution of drugs as samples.

(2) Permits the distribution of drugs to professional persons as well as the distribution of drugs, other than those mentioned in Schedule F which are drugs which may only be sold upon prescription, to registered pharmacists for distribution to adults only.

Cosmetics.

Prohibited sales of cosmetics.

15. No person shall sell any cosmetic that

(a) has in or upon it any substance that may cause injury to the health of the user when the cosmetic is used,

(i) according to the directions on the label or accompanying such cosmetic, or

(ii) for such purposes and by such methods of use as are customary or usual therefor;

(b) consists in whole or in part of any filthy or decomposed substance or of any foreign matter; or

(c) was manufactured, prepared, preserved, packed or stored in any unsanitary place or under unsanitary conditions.

Where standard prescribed.

16. Where a standard has been prescribed for a cosmetic, no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such cosmetic, unless the article complies with the prescribed standard.

Manufacture in unsanitary place.

17. No person shall manufacture, prepare, preserve, package or store for sale any cosmetic in any unsanitary place or under unsanitary conditions.

Devices.

Prohibited sales of devices.

18. No person shall sell any device that, when used according to directions or under such conditions as are customary or usual, may cause injury to the health of the purchaser or user thereof.

Deception.

19. (1) No person shall label, package, treat, process, sell or advertise any device in a manner that is false, exaggerated, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, composition, merit or safety.

Idem.

(2) A device that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection one.

15. New. Definition of a drug in the present Act includes a cosmetic which is also defined and, therefore, no special provisions respecting cosmetics are provided in the *Food and Drugs Act.* The Bill deals with cosmetics as a special subject and having regard to the characteristics and other matters relevant thereto.

Except as the subject matter of Section 15 of the Bill may also be dealt with as a drug in the present Act the provision is new.

16. Section 7 *(a)* and *(c)* Revised.

17. New.

18. New. The definition of a drug in the present Act includes any article that may be used for the diagnosis, treatment, mitigation and the prevention of disease in man or animal. The Bill in dealing with devices covers what in the present Act are therefore dealt with as articles under the definition of "drug". The Bill, however, recognizes devices as a special subject and deals with it, having regard to the special characteristics and other matters relevant thereto.

19. (1) Section 32A. As mentioned in connection with Sections 5 (1), and 9 (1) of the Bill as applied to a food and a drug the present Section 32A deals with false or deceptive advertisements only, whereas, the Bill extends such provision to matters of labelling, packaging, treating, processing and selling a device.

(2) Section 7 *(e)*, *(g)* and *(h)* Revised.

Where standard prescribed.

20. Where a standard has been prescribed for a device, no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such device, unless the article complies with the prescribed standard.

PART II.

Administration and Enforcement.

Powers of Inspectors.

Powers of inspectors.

21. (1) An inspector may at any time

(a) enter any place where he reasonably believes there is any article to which this Act or the regulations apply and examine any such article and take samples thereof;

(b) enter any place where he reasonably believes any article to which this Act or the regulations apply is manufactured, prepared, preserved, packaged or stored and examine anything that he reasonably believes is used or capable of being used for such manufacture, preparation, preservation, packaging or storing;

(c) open and examine any receptacle or package that he reasonably believes contains any article to which this Act or the regulations apply;

(d) examine any books, documents or other records found in any place mentioned in paragraph *(a)* or *(b)* that he reasonably believes contain any information with respect to any article to which this Act or the regulations apply and make copies thereof or extracts therefrom; and

(e) seize and detain any article by means of or in relation to which he reasonably believes any provision of this Act or the regulations have been violated.

Definition.

(2) For the purposes of subsection one, the expression "article to which this Act or the regulations apply" includes

(a) any food, drug, cosmetic or device,

(b) anything used for the manufacture, preparation, preservation, packaging or storing thereof, and

(c) any labelling or advertising material.

Inspector to show certificate of appointment.

(3) An inspector shall be furnished with a prescribed certificate of designation and on entering any place pursuant to subsection one shall if so required produce the certificate to the person in charge thereof.

20. Section 7 *(a)* and *(c)* Revised.

21. (1) This Section retains the purpose and intent of Sections 9, 11, 27, 28, 29 and 30 of the present Act and deals with the powers and duties of inspectors.

It extends the present authority of an inspector to permit him to enter any place where he has reason to believe there is any article intended for sale or things relating thereto to which the Bill or the Regulations apply, to examine such article, including books, documents and records and to seize and detain such articles if he believes any provision of the Act has been violated thereby.

(2) New.

(3) New.

Owner to give assistance to inspector.

(4) The owner or person in charge of a place entered by an inspector pursuant to subsection one and every person found therein shall give the inspector all reasonable assistance in his power and furnish him with such information as he may reasonably require.

Obstructing inspector.

(5) No person shall obstruct an inspector in the carrying out of his duties under this Act or the regulations.

False statements.

(6) No person shall make any false or misleading statement either verbally or in writing to any inspector engaged in carrying out his duties under this Act or the regulations.

Interference with articles seized.

(7) No person shall remove, alter or interfere in any way with any article seized under this Act without the authority of an inspector.

Storing of seized articles.

(8) Any article seized under this Act may at the option of an inspector be kept or stored in the building or place where it was seized or may at the direction of an inspector be removed to any other place.

Forfeiture.

Release of seized articles.

22. (1) An inspector may release any article seized by him under this Act when he is satisfied that all the provisions of this Act and the regulations with respect thereto have been complied with.

Destruction with consent.

(2) Where an inspector has seized an article under this Act and the owner thereof or the person in whose possession the article was at the time of seizure consents to the destruction thereof, the article is thereupon forfeited to Her Majesty and may be destroyed or otherwise disposed of as the Minister may direct.

Forfeiture upon conviction.

(3) Where a person has been convicted of a violation of this Act or the regulations, the court or judge may order that any article by means of or in relation to which the offence was committed or anything of a similar nature belonging to or in the possession of the accused or found with such article, be forfeited, and upon such order being made, such articles and things are forfeited to Her Majesty and may be disposed of as the Minister may direct.

Order for forfeiture.

(4) Without prejudice to the operation of subsection three, a judge of a county or district court of the county or judicial district in which any article was seized under this Act may, on the application of an inspector and on such notice to such persons as the judge directs, order that the article and anything of a similar nature found therewith be forfeited to Her Majesty to be disposed of as the Minister may direct, if the judge finds, after making such inquiry as he considers necessary, that the article is one by means of or in relation to which any of the provisions of this Act or the regulations were violated.

(4) Section 27 Revised.

(5) Section 27 Revised.

(6) Section 27 Revised.

(7) Section 28 Revised.

(8) Section 29 Revised.

22. New in part. This extends in two ways the provisions of Sections 9 and 21 of the present Act. Firstly, it permits the court to order the forfeiture of articles belonging to an accused in relation to which an offence was committed and in respect of which the accused has been convicted. Secondly, it makes provision for the judicial forfeiture of articles which are not involved in a prosecution but which are under seizure as being in violation of the Act. The present procedure is for such articles to be forfeited upon the order of the Minister and without provision for any judicial determination of the issue.

Analysis.

Analysis.

23. (1) An inspector may submit any article seized by him or any sample therefrom or any sample taken by him to an analyst for analysis or examination.

Report.

(2) Where an analyst has made an analysis or examination he may issue a certificate or report setting forth the results of his examination or analysis.

Regulations.

Regulations.

24. (1) The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect, and, in particular, but not so as to restrict the generality of the foregoing, may make regulations

(a) defining either generally or with respect to any particular food or drug or class of food or drugs the expression "adulterated" for the purposes of this Act;

(b) declaring that any food or drug or class of food or drugs is adulterated if any prescribed substance or class of substances has been added thereto or extracted or omitted therefrom;

(c) respecting

(i) the labelling and packaging and the offering, exposing and advertising for sale of food, drugs, cosmetics and devices,

(ii) the size, dimensions, fill and other specifications of packages of food, drugs, cosmetics and devices,

(iii) the sale or the condition of sale of any food, drug, cosmetic or device, and

(iv) the use of any substance as an ingredient in any food, drug, cosmetic or device therein,

with a view to preventing the consumer or purchaser thereof from being deceived or misled as to its quantity, character, value, composition, merit or safety or with a view to protecting the public health or preventing injury to the health of the consumer or purchaser;

(d) prescribing standards of composition, strength, potency, purity, quality or other property of any article of food, drug, cosmetic or device;

(e) respecting the importation of foods, drugs, cosmetics and devices in order to ensure compliance with this Act and the regulations;

(f) respecting the method of preparation, manufacture, preserving, packing, storing and testing of any food, drug, cosmetic or device in the interest of and for the protection of the public health;

23. Section 13 Revised.

24. Section 3 *(a)* New.

(b) Section 3 *(a)* Revised.

(c) Section 3 *(b)*, *(k)* and *(kk)* Revised.

(d) Section 3 *(a)* Revised; reference to *Meat and Canned Foods Act* dropped.

(e) Section 3 *(f)* Revised.

(f) New.

(*g*) requiring persons who sell food, drugs, cosmetics or devices to maintain such books and records as the Governor in Council considers necessary for the proper enforcement and administration of this Act and the regulations;

(*h*) respecting the form and manner of the Minister's indication under section twelve, including the fees payable therefor, and prescribing what premises or what processes or conditions of manufacture, including qualifications of technical staff, shall or shall not be deemed to be suitable for the purposes of that section;

(*i*) requiring manufacturers of any drugs described in Schedule E to submit test portions of any batch of such drugs and respecting the form and manner of the Minister's indication under section thirteen, including the fees payable therefor;

(*j*) not inconsistent with this Act, respecting the powers and duties of inspectors and analysts and the taking of samples and the seizure, detention, forfeiture and disposition of articles;

(*k*) exempting any food, drug, cosmetic or device from all or any of the provisions of this Act and prescribing the conditions of such exemption;

(*l*) prescribing forms for the purposes of this Act and the regulations;

(*m*) providing for the analysis of food, drugs or cosmetics other than for the purposes of this Act and prescribing a tariff of fees to be paid for such analysis; and

(*n*) adding anything to or deleting anything from any of the Schedules.

Analysts and inspectors.

(2) The Governor in Council may designate as an analyst or inspector any person on the staff of the department for such time as that person is employed in the department or for such time during the period of such employment as he may direct.

Penalties.

Penalties.

25. Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable

(*a*) on summary conviction for a first offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment, and for a subsequent offence to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment; and

(g) New.

(h) Section 6, 3 *(c)* and *(d)* Revised.

(i) Section 6, 3 *(e)* Revised.

(j) Section 3 *(c)* Revised.

(k) Section 3 *(l)* Revised.

(l) New.

(m) Section 3 *(d)* Revised.

(n) Section 3 *(i)* Revised.

(2) New in part. Insofar as it refers to the designation of an analyst, this provision of the Bill is adapted from Section 3 *(g)*.

25. New in part. This provision replaces the penalty sections as contained in Sections 23, 27, 30 (2), 32 and 33. It makes provision for offences being triable either on summary conviction or on indictment. It omits minimum penalties and increases the maximum penalty for a summary conviction offence from the limits contained in the present sections. The penalties for conviction on indictment are new.

(b) on conviction upon indictment to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years or to both fine and imprisonment.

Time limit.

26. A prosecution under paragraph *(a)* of section twenty-five may be instituted at any time within twelve months from the time the subject matter of the prosecution arose.

Venue.

27. A prosecution for a violation of this Act or the regulations may be instituted, heard, tried or determined in the place in which the offence was committed or the subject matter of the prosecution arose or in any place in which the accused is apprehended or happens to be.

Want of knowledge.

28. (1) Subject to subsection two, in a prosecution for the sale of any article in contravention of this Act or the regulations, if the accused proves to the satisfaction of the court or judge that

(a) he purchased the article from another person in packaged form and sold it in the same package and in the same condition the article was in at the time he purchased it, and

(b) that he could not with reasonable diligence have ascertained that the sale of the article would be in contravention of this Act or the regulations,

the accused is liable upon conviction for the costs of prosecution only.

Notice.

(2) Subsection one does not apply in any prosecution unless the accused, at least ten days before the day fixed for the trial, has given to the prosecutor notice in writing that he intends to avail himself of the provisions of subsection one and has disclosed to the prosecutor the name and address of the person from whom he purchased the article and the date of purchase.

Evidence.

Certificates of analysis.

29. (1) A certificate of an analyst stating that he has analyzed or examined an article or a sample submitted to him by an inspector and stating the result of his examination is admissible in evidence in a prosecution for a violation of this Act or the regulations, and is *prima facie* proof of the statements contained in the certificate; but no such certificate shall be received in evidence unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced, reasonable notice of such intention together with a copy of the certificate.

26. New. The limitation period as provided in the *Criminal Code* and which is applicable to the present Act is six months. This period has been found too short in many instances where somewhat elaborate analyses are required to be made.

27. New. This provision is usual in legislation of this kind and facilitates the trial of offences where jurisdictional or geographical difficulties may be presented.

28. (1) Section 24 Revised. Section 24 makes want of knowledge a defence in connection with the sale of any article of food or drug that is adulterated or misbranded. The provision in the Bill limits the defence to packaged articles which are sold in the same package and in the same condition as originally purchased and where the contravention could not be ascertained with reasonable diligence. The Bill does not make provision for charging in the same proceedings the person from whom the article was originally purchased as this frequently involves a series of commercial transactions including the manufacturer, the wholesaler, jobbers and the retailer with consequent jurisdictional difficulties.

(2) This requires notice of such defence being given to the prosecutor together with disclosure of the name and address of the person from whom the article was purchased and the date thereof. This would permit of an investigation with appropriate proceedings being taken where necessary.

29. (1) Section 13 Revised.

Name of manufacturer.

(2) Proof that a package containing any article to which this Act or the regulations apply bore a name or address purporting to be the name or address of the person by whom it was manufactured or packaged is *prima facie* proof, in a prosecution for a violation of this Act or the regulations, that the article was manufactured or packaged, as the case may be, by the person whose name or address appeared on the package.

Offence by employees.

(3) In a prosecution for a violation of this Act or the regulations it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not he is identified or has been prosecuted for the offence.

Copies of records.

(4) In a prosecution for a violation of this Act or the regulations a copy of a record or an extract therefrom certified to be a true copy by the inspector who made it pursuant to paragraph *(d)* of subsection one of section twenty-one is receivable in evidence and is *prima facie* proof of the contents thereof.

Possession of adulterating substances.

(5) Where a person is prosecuted under this Act for having manufactured an adulterated food or drug for sale, and it is established that

(a) the food or drug has by regulation been declared to be adulterated if any prescribed substance has been added thereto, and

(b) such person had in his possession or on his premises any such prescribed substance,

the onus of proving that the food or drug was not adulterated by the addition of such substance lies on the accused.

Exports.

Exports.

30. This Act does not apply to any packaged food, drug, cosmetic or device, not manufactured for consumption in Canada and not sold for consumption in Canada, if the package is marked in distinct overprinting with the word "Export", and a certificate that the package and its contents do not contravene any known requirement of the law of the country to which it is or is about to be consigned, has been issued in respect thereof in prescribed form and manner.

Repeal.

Repeal.

31. The *Food and Drugs Act*, chapter seventy-six of the Revised Statutes of Canada, 1927, is repealed.

Coming into Force.

Coming into force.

32. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

(2) New.

(3) New.

(4) New.

(5) Section 30 Revised.

30. Section 41 Revised.

SCHEDULE A

Alcoholism
Appendicitis
Arteriosclerosis
Blood Poisoning
Bright's Disease
Cancer
Diabetes
Diphtheria
Disorders of menstrual flow
Disorders of the prostatic gland
Dropsy
Epilepsy
Erysipelas
Gallstones, Kidney Stones, Bladder Stones
Gangrene
Goitre
Heart Diseases
High Blood Pressure
Infantile Paralysis
Influenza
Insomnia
Lockjaw
Locomotor Ataxia
Obesity
Pleurisy
Pneumonia
Ruptures
Scarlet Fever
Sexual Impotence
Small Pox
Spinal Meningitis
Trachoma
Tuberculosis
Tumours
Typhoid Fever
Ulcers of the gastro-intestinal tract
Venereal Diseases

SCHEDULE B.

Pharmacopoea Internationalis
The British Pharmacopoeia
Pharmacopoeia of the United States
Codex Français
The Canadian Formulary
The British Pharmaceutical Codex
The National Formulary
New and Nonofficial Remedies

SCHEDULE C.

Liver extract injectable
Liver extract injectable with other medication
Liver extract injectable crude
Liver extract injectable crude with other medication
Insulin
Insulin made from zinc-insulin crystals
Protamine zinc insulin
Globin insulin with zinc
NPH Insulin
Anterior pituitary extracts
Radioactive isotopes

SCHEDULE D.

Living vaccines for oral or parental use
Drugs prepared from micro-organisms or viruses for parenteral use
Sera and drugs analogous thereto for parenteral use
Antibiotics for parenteral use

SCHEDULE E.

Arsphenamine
Dichlorophenarsine Hydrochloride
Neoarsphenamine
Oxophenarsine Hydrochloride
Sulpharsphenamine

SCHEDULE F.

Adrenocorticotrophic Hormone (ACTH)
Aminopyrine and any salt, homologue, or derivative thereof
Amphetamine and any salt thereof
Aureomycin and any salt or derivative thereof
Barbituric acid and any salt, homologue, or derivative thereof
Chloramphenicol
Cinchophen and Neocinchophen
Cortisone
Dihydrostreptomycin and any compound thereof
2, 4-dinitrophenol and any compound, homologue, or derivative thereof
Methamphetamine and any salt thereof
Penicillin, its salts or derivatives, or preparations thereof, excluding preparations for oral use that contain not more than 3,000 International Units per dose
Phenytoin Sodium
Selenium and any compound thereof
Streptomycin and any compound thereof
Sulphonamides and any salt, homologue, or derivative thereof
Terramycin and any compound thereof
Tetraethylthiuram disulphide
Thiouracil and any homologue, or derivative thereof
Thyroid
Thyroxin and any salt thereof
Urethane

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL F[11].

An Act to incorporate The Canadian Shipowners Mutual Assurance Association.

Read a first time, Thursday, 5th June, 1952.

Honourable Senator Fogo.

EDMOND CLOUTIER. C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

59007

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL F[11].

An Act to incorporate The Canadian Shipowners Mutual Assurance Association.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Melvyn Graham Angus, Phrixos B. Papachristidis, steamship executives of the city of Westmount, Charles Clifford Lawes, steamship executive of the town of Hampstead, Frederic Leslie Parsons, steamship executive of the city of Montreal, Leslie James Pattington, steamship executive of the town of Montreal West, all in the province of Quebec, Andrew Brown Graham, steamship executive of the city of Vancouver, in the province of British Columbia, and Harry Isaac Mathers, steamship executive of the city of Halifax, in the province of Nova Scotia, together with such persons as may enter for insurance any ship in the Association, are incorporated under the name of "The Canadian Shipowners Mutual Assurance Association", hereinafter called "the Association".

Corporate name.

Head office.

2. The head office of the Association shall be in the city of Montreal, in the province of Quebec, or at such other place in Canada as the board of directors may from time to time determine.

Objects of the Association.

Mutual system of marine insurance.

3. The Association may:—

(a) carry on upon either the cash premium or the mutual system, marine insurance business, that is to say, the business of effecting and carrying out contracts of insurance upon ships or upon the machinery, tackle,

furniture or equipment of ships, or upon goods, merchandise or property of any description whatever on board ships, or upon the freight of, or any other interest in, or relating to, ships or against damage arising out of or in connection with the use of ships, including third party risks, or against risks incidental to the construction, repair or docking of ships, including third party risks, or against transit risks on seas or inland waterways or incidental delay or transit otherwise than by water and upon either the cash premium or mutual system, generally insure members of the Association against any liabilities incurred by them as owners of ships and all other interests of members which are usually or properly covered by or included in insurances, with respect to ships and interests therein or relating thereto and so that every such insurance shall be undertaken by the Association, either as such or on behalf of the members, or of any separate class of members, of the Association and, in the last mentioned case, on the terms that no member of any other separate class shall be liable to contribute in respect thereof;

Re-insurance.

(b) re-insure or accept re-insurance of any risk insured or which could be insured by the Association;

May pay claims against the Association, etc.

(c) pay, satisfy or compromise any claims made against the Association which it may be deemed expedient to pay, satisfy or compromise whether or not the same may be valid in law and make gratuitous payments to any person being an assignee, chargee, legal personal representative, trustee in bankuputcy or liquidator of a member or former member in relation to ships entered by such member or former member for insurance in the Association;

May join, co-operate with or become a member of Society having object similar to those of the Association.

(d) join, co-operate with, or become a member of, any society, committee or association having for its object or included in its objects the defence or advancement of the interests of shipowners as a body by joint or concerted action, and support and contribute to the funds of any such society, committee or association;

Hold real and personal property.

(e) purchase, take on lease or in exchange, hire, and otherwise acquire and hold, sell or otherwise deal with any real and personal property and any rights or privileges which the Association may think necessary or convenient for the purposes of its business, and construct, maintain and alter any buildings or works necessary or convenient for the purposes of the Association;

May lend money and to give guarantees.

(f) lend money to any other association, or any company, society, firm or person, having dealings with the Association or with whom the Association proposes to have dealings and give any guarantee that may be deemed expedient;

Investment. (*g*) invest and deal with the moneys of the Association not immediately required in such manner as may from time to time be determined;

Amalgamation. (*h*) amalgamate with any other association or any company;

Expenses. (*i*) pay out of the funds of the Association all or any of the expenses of or incidental to the formation and organization thereof, or which the Association may consider to be preliminary;

Agencies and branches. (*j*) establish agencies and branches;

Bills and notes. (*k*) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants and other negotiable or transferable instruments;

May act as principal, agent, etc. (*l*) carry out all or any of the objects of the Association and do all or any of the above things as principal, agent, contractor, or otherwise, and either alone or in conjunction with others; and

General. (*m*) do all such other things as are incidental or the Association may think conductive to the attainment of the above objects or any of them.

Membership in the Association. **4.** (1) Every owner, owners in partnership, owners holding separate shares in severalty, part owner, mortgagee, trustee or charterer of a ship, who enters for insurance upon the mutual system any ship in the Association, shall be and become a member of the Association as from the date of the commencement of such insurance.

Termination of membership. (2) A member shall cease to be a member *ipso facto*

(*a*) in the case of an individual, upon his death or if he become bankrupt or make any arrangement or composition with his creditors generally;

(*b*) in the case of a company or corporation, if it become bankrupt or be wound-up; or

(*c*) if a member shall cease to have any ship entered for insurance in the Association.

Proviso. Provided, always, that such member, his estate, legal personal representatives or trustee in bankruptcy or liquidator, as the case may be, shall be and remain liable to pay to the Association all such contributions and moneys as under this Act and the by-laws and rules of the Association such member would have been liable to pay had he not ceased to be a member in respect of claims, expenses or outgoings arising or obligations incurred up to and including the date of cesser of membership;

Joint members. (3) Where any ship or part thereof or proportion of the insured value thereof or share therein is entered for insurance in the Association all owners of such ship or part thereof or proportion of the insured value thereof or share therein so

entered shall be deemed to be joint members. Joint members shall for the purpose of any contribution falling due pursuant to this Act or by-laws or rules of the Association be treated as one member but shall be jointly and severally liable in respect thereof.

Membership not transferable.

(4) Membership shall not be transferable nor transmissible.

Director a member.

(5) Every director whilst holding office as such shall ex officio be a member of the Association.

Directors may refuse application for insurance.

(6) The directors of the Association shall be at liberty to refuse any application for entry of a ship for insurance in the Association.

Voting.

(7) No member shall, unless the directors otherwise determine, be entitled to vote at any meeting of the Association, either personally or by proxy, unless all sums due by said member to the Association have been paid.

Board of directors.

5. The affairs of the Association shall be administered by a board of not less than five nor more than twenty-one directors, and the persons named in section one of this Act shall be the directors of the Association, until replaced by others duly elected in their stead.

Member eligible for election as a director.

6. Every member shall be eligible for election as a director and if the member is a partnership, a partner or an officer of such partnership shall be eligible as a director, and if the member is a company or corporation, a director or officer of such company or corporation shall be eligible as a director.

Directors to administer affairs of Association.

7. The directors may, in all things, administer the affairs of the Association, and may make or cause to be made for the Association any description of contract which the Association may, by law, enter into.

By-laws.

8. The directors may make by-laws, not contrary to law or to this Act, for

(a) the time and place for the holding of the annual meeting of the Association, the calling of meetings, regular and special, of the directors and of the Association, the requirements as to quorum, right to vote, the number of votes to which each member will be entitled depending upon the total sum entered by him in the Association for insurance, proxies and the procedure in all things at such meetings;

(b) the election, rotation, disqualification and removal of directors, the number of directors, provided that said number shall not be less than five nor more than twenty-one, their term of office and, if the number is increased within the limits prescribed by this Act, for the election

of directors necessary to fill the vacancies thereby created, and the remuneration of directors;

(c) the appointment, functions, duties and removal of all agents, officers and servants of the Association, and their remuneration;

(d) the appointment, duties, rights, removal and remuneration of managers of the Association;

(e) the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law;

(f) the creation and operation of separate classes of insurance within the Association and the rules pertaining to each such class; the keeping of separate accounts for each class and the holding of separate meetings of members of each class;

(g) the handling of claims of members in respect of insurance;

(h) the election of an executive committee consisting of not less than three directors of whom a majority shall form a quorum, which executive committee may exercise such powers of the board of directors as said board may by resolution delegate to it from time to time, subject to any restrictions contained in any such resolution and to any regulations imposed from time to time by the directors;

(i) the determination of the financial year of the Association, the books of account to be kept by the Association and the appointment, rights and duties of the auditor or auditors of the Association;

(j) the conduct, in all other particulars, of the affairs of the Association.

Repeal, etc., of by-laws.

9. The directors may, from time to time, repeal, amend or re-enact any such by-law: Provided that every such by-law, repeal, amendment or re-enactment, unless in the meantime confirmed at a general meeting of the Association duly called for that purpose, shall only have force until the next annual meeting of the Association and, in default of confirmation thereat, shall from the time of such default cease to have force or effect.

Proviso.

Calls.

10. If a call upon any policy be not paid within sixty days after the posting of the notice of the call to the member, the Association may sue for and recover the amount of such call and interest thereon with costs of suit and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment.

Winding-up Act.

11. The Association shall be subject to the provisions of the *Winding-up Act*.

Association shall cause books to be kept by the secretary.

12. The Association shall cause a book or books to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded

(a) the names, alphabetically arranged, of all persons who are or have been members;

(b) the address and calling of every such person, while such member;

(c) the name, port of registry, name of owner of each ship entered for insurance by each member;

(d) the amounts paid in, and remaining unpaid, respectively, on each ship of each member;

(e) the names, addresses and callings of all persons who are or have been directors of the Association, with the several dates at which each became or ceased to be such director.

Evidence.

13. A copy of any by-law of the Association, under its seal, and purporting to be signed by any officer of the Association, shall be received as *prima facie* evidence of such by-law in all courts in Canada.

Books of Association *prima facie* evidence.

14. All books required by this Act to be kept by the secretary or by any other officer of the Association charged with that duty shall, in any suit or proceeding be, as against the Association or against any member, *prima facie* evidence of all facts purporting to be therein stated.

Evidence of membership, etc.

15. In any action by the Association to enforce payment of any call upon a policy or interest on such call, a certificate, under the seal of the Association and purporting to be signed by any officer of the Association, to the effect that the defendant is a member, that the call or calls have been made to enforce payment of which or of any interest thereon such action has been brought, and that so much is due by him and unpaid thereon, shall be received in all courts as *prima facie* evidence.

Director may contract with the Association.

16. No director shall be disqualified by his office from contracting with the Association either as vendor, purchaser or otherwise, nor shall any such contract or any contract or arrangement entered into by or on behalf of the Association in which any director shall be in any way interested be avoided nor shall any director so contracting or being so interested be liable to account to the Association for any profit realized by any such contract or arrangement by reason of such director holding that office or of the fiduciary relationship thereby established. The nature of a director's interest must be declared by him at the meeting of the directors at which the question of entering into the contract

or arrangement is first taken into consideration, or, if the director was not at the date of that meeting interested in the proposed contract or arrangement, at the next meeting of the directors held after he became so interested, and, in a case where the director becomes interested in a contract or arrangement after it is made, at the first meeting of the directors held after he becomes so interested. A general notice to the directors by a director that he is a member of any specified firm or company and is to be regarded as interested in any contract or arrangement which may after the date of the notice be made with such firm or company shall, if such director shall give the same at a meeting of the directors or shall take reasonable steps to secure that the same is brought up and read at the next meeting of the directors after it is given, be deemed to be a sufficient declaration of interest in relation to such contract or arrangement under this section, and after such general notice it shall not be necessary to give any special notice relating to any particular contract or arrangement with such firm or company. A director shall not as a director vote in respect of any contract or arrangement which he shall make with the Association or in which he is so interested as aforesaid and if he do so vote his vote shall not be counted nor shall he be counted in the quorum present upon a motion in respect of any such contract or arrangement, but neither of these prohibitions shall apply to any contract by or on behalf of the Association to give to the directors or any of them any security by way of indemnity or in respect of any advances made by them or any of them nor to any contract or dealing with a corporation where the sole interest of a director is that he is director, member or creditor of such corporation.

Indemnification of directors.

17. Every director or officer of the Association and his heirs, executors and administrators, and estate and effects, respectively, shall be indemnified and saved harmless out of the funds of the Association, from time to time and at all times, from and against

(a) all costs, charges and expenses whatsoever which such director or officer sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him in or about the execution of the duties of his office;

(b) all other costs, charges and expenses which he sustains or incurs, in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default.

In event of winding-up if assets of Association insufficient to pay all liabilities of Association in full.

18. In the event of the winding-up of the Association, if the assets on hand at the date of the winding-up order are insufficient to pay all the liabilities of the Association in full, in addition to his liability for calls in respect of losses on policies underwritten by the Association, each member of the Association at the time of such winding-up order and those who were members within one year of such winding-up order, shall be liable for the payment of the debts and liabilities of the Association and the costs, charges and expenses of winding-up the Association, and for the adjustment of the rights of contributories amongst themselves up to an amount of twenty-five dollars, irrespective of the number of ships they may have or have had insured in the Association and for no more.

Procedure.

Assets remaining in event of winding-up.

19. In the event of the Association being wound-up, the assets of the Association remaining after payment of all the debts and liabilities of the Association and all costs, charges and expenses of winding-up the same shall be distributed amongst the members of the Association in proportion to the amounts of the contributions payable by them, respectively, to the Association during the period of six years immediately preceding the date of the winding-up order of the Association and actually paid by them respectively, and the certificate of the liquidator as to the amounts of the contributions so payable and paid shall be conclusive.

Annual statement to be filed with Minister of Finance.

20. The Association shall file annually with the Minister of Finance, within two months after the end of its fiscal year, a statement of the condition and affairs of the Association as at the end of its last fiscal year. This annual statement shall be in such form or forms as the Minister may from time to time determine.

1932, c. 46.

21. The provisions of *The Canadian and British Insurance Companies Act, 1932*, shall not apply to the Association.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL G[11].

An Act for the relief of Marie Jacqueline Michelle Major Valiquette.

Read a first time, Tuesday, 10th June, 1952.

The Honourable the Chairman of the Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

53982

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL G[11].

An Act for the relief of Marie Jacqueline Michelle Major Valiquette.

Preamble.

WHEREAS Marie Jacqueline Michelle Major Valiquette, residing at the city of Montreal, in the province of Quebec, insurance agent, wife of Joseph Paul Bernard Valiquette, who is domiciled in Canada and residing at the city of Paris, France, has by her petition alleged that they were married on the eighth day of June, A.D. 1940, at the said city of Montreal, she then being Marie Jacqueline Michelle Major, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marie Jacqueline Michelle Major and Joseph Paul Bernard Valiquette, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marie Jacqueline Michelle Major may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Paul Bernard Valiquette had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL H[11].

An Act for the relief of May Clara Taylor Di Biasio.

Read a first time, Tuesday, 10th June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56729

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL H[11].

An Act for the relief of May Clara Taylor Di Biasio.

Preamble.

WHEREAS May Clara Taylor Di Biasio, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Cladinori Di Biasio, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-second day of April, A.D. 1946, at the said city, she then being May Clara Taylor, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between May Clara Taylor and Cladinori Di Biasio, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said May Clara Taylor may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Cladinori Di Biasio had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL I[11].

An Act for the relief of Regina Joan Lee Mills.

Read a first time, Tuesday, 10th June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
56733 OTTAWA, 1952

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL I[11].

An Act for the relief of Regina Joan Lee Mills.

Preamble.

WHEREAS Regina Joan Lee Mills, residing at Ville St. Laurent, in the province of Quebec, bookkeeper, wife of Kenneth Mills, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the sixth day of July, A.D. 1944, at the city of Outremont, in the said province, she then being Regina Joan Lee, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Regina Joan Lee and Kenneth Mills, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Regina Joan Lee may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Kenneth Mills had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL J[11].

An Act for the relief of Violette Chartrand Fairon.

Read a first time, Tuesday, 10th June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

52586

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL J[11].

An Act for the relief of Violette Chartrand Fairon.

Preamble.

WHEREAS Violette Chartrand Fairon, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Rene Eugene Fairon, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of May, A.D. 1930, at the said city, she then being Violette Chartrand, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Violette Chartrand and Rene Eugene Fairon, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Violette Chartrand may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Rene Eugene Fairon had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL K[11].

An Act for the relief of Doreen Elizabeth Lawton Batty.

Read a first time, Tuesday, 10th June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55137

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL K[11].

An Act for the relief of Doreen Elizabeth Lawton Batty.

Preamble.

WHEREAS Doreen Elizabeth Lawton Batty, residing at the city of Montreal, in the province of Quebec, clerk, wife of Charles George Leslie Batty, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of June, A.D. 1946, at the city of London, England, she then being Doreen Elizabeth Lawton, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Doreen Elizabeth Lawton and Charles George Leslie Batty, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Doreen Elizabeth Lawton may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles George Leslie Batty had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL L[11].

An Act for the relief of Norma Meldrum Drysdale McGown.

Read a first time, Tuesday, 10th June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56469

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL L[11].

An Act for the relief of Norma Meldrum Drysdale McGown.

Preamble.

WHEREAS Norma Meldrum Drysdale McGown, residing at the city of Montreal, in the province of Quebec, switchboard operator, wife of Samuel McGown, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-first day of November, A.D. 1941, at the said city, she then being Norma Meldrum Drysdale, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Norma Meldrum Drysdale and Samuel McGown, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Norma Meldrum Drysdale may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Samuel McGown had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL M[11].

An Act for the relief of Jean Elizabeth Wood Jackson.

Read a first time, Tuesday, 10th June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55956

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL M[11].

An Act for the relief of Jean Elizabeth Wood Jackson.

Preamble.

WHEREAS Jean Elizabeth Wood Jackson, residing at the city of Montreal, in the province of Quebec, factory worker, wife of George Jackson, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-ninth day of July, A.D. 1939, at the said city, she then being Jean Elizabeth Wood, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jean Elizabeth Wood and George Jackson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jean Elizabeth Wood may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Jackson had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL N[11].

An Act for the relief of Louisa Ryan Heke.

Read a first time, Tuesday, 10th June, 1952.

The Honourable the Chairman of the
Committee on Divorce.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55877

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL N[11].

An Act for the relief of Louisa Ryan Heke.

Preamble.

WHEREAS Louisa Ryan Heke, residing at the city of Montreal, in the province of Quebec, secretary, wife of Frank Heke, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-ninth day of July, A.D. 1933, at the said city, she then being Louisa Ryan, a spinster; and whereas by her petition she has prayed that, because of his refusal to consummate the said marriage, their marriage be annulled, and whereas the said marriage and refusal to consummate have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage annulled.

1. The said marriage between Louisa Ryan and Frank Heke, her husband, is hereby annulled, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Louisa Ryan may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frank Heke had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL O[11].

An Act to incorporate Ogdensburg Bridge Authority.

Read a first time, Thursday, 12th June, 1952.

Honourable Senator HARDY.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

59475

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL O[11].

An Act to incorporate Ogdensburg Bridge Authority.

Preamble.

WHEREAS a petition has been presented praying that the persons hereinafter mentioned may be constituted a corporation for the purposes and with the powers hereinafter stated, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

Corporate name.

1. Frank A. Augsbury, Franklin R. Little, Gerald L. McEvoy, Francis B. Burns, John C. Tulloch, Clarence W. Skelly and Lawrence F. Cuthbert, all of the city of Ogdensburg in the state of New York, and Duncan K. MacTavish and Ronald C. Merriam, both of the city of Ottawa in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of Ogdensburg Bridge Authority, hereinafter called "the Company".

Declaratory.

2. The works and undertaking of the Company are declared to be for the general advantage of Canada.

Provisional directors.

3. The persons named in section one are constituted the provisional directors of the Company, and they shall have all the powers which are conferred upon directors elected by the shareholders.

Capital stock.

4. The capital stock of the Company shall be one million dollars divided into one hundred thousand common shares without nominal or par value.

Head office.

5. The head office of the Company shall be in the town of Prescott in the province of Ontario, Canada.

Annual meeting.

6. The annual meeting of the shareholders shall be held at such place and at such time in each year as may be determined from time to time by the directors.

Number of directors.

7. The number of directors shall not be less than three nor more than nine, one or more of whom may be paid directors.

Powers to construct bridge.

8. The Company may construct, maintain and operate a bridge across the St. Lawrence River for the passage of pedestrians, vehicles and carriages and for any other like purpose, with all necessary approaches, roads and works from a point in the town of Prescott, in the province of Ontario or within a distance of five miles easterly or westerly from the easterly or westerly limits of the said town of Prescott over the St. Lawrence River respectively to a point at or near the city of Ogdensburg or the county of St. Lawrence in the state of New York, so as not to interfere with navigation, and may purchase, acquire and hold such real estate, including lands for siding, bridge heads and other equipment required for the convenient working of traffic to, from and over the said bridge as the company thinks necessary for any of the said purposes.

Expropriation.

9. The Company may

(a) expropriate and take any lands actually required for the construction, maintenance and operation of the bridge or may expropriate and take an easement in, over, under or through such lands without the necessity of acquiring a title in fee simple thereto after the plan of such lands has been approved by the Governor in Council; and all provisions of the *Railway Act* applicable to such taking and acquisition shall apply as if they were included in this Act; and all the provisions of the *Railway Act* which are applicable shall in like manner apply to the ascertainment and the payment of the compensation for or damages to land arising out of such taking and acquisition or the construction or maintenance of the works of the Company;

R.S. c. 170.

Abandonment of land to reduce damage and assesment and award of damages.

(b) in reduction of the damage or injury to any lands taken or affected by such authorized works, abandon or grant to the owner or party interested therein, any portion of such lands, or any easement or interest therein, or make any structures, works or alterations in or upon its works for such purposes. And if the Company by its notice of expropriation or some subsequent notice, prior to the first meeting of the arbitrators, specify its decision to take only such easement or undertake to abandon or grant such lands or easement or interest in lands, or to make such structures or works or alterations, the damages (including damages if any, resulting from the change in the notice of expropriation) shall be assessed by the arbitrator or

arbitrators appointed pursuant to the provisions of the *Railway Act*, in view of such specified decisions or undertaking, and the arbitrator or arbitrators shall declare the basis of their award accordingly, and such award, as well as such specified decision or undertaking of the Company, may be enforced by the Board of Transport Commissioners for Canada;

Right of entry and compensation for damages.

(c) enter into and upon any lands, buildings or structures proximate to the said bridge for the purpose of ascertaining the state of repair thereof, and for devising the best means of avoiding any possible damage which the execution of the authorized works might occasion thereto, and make upon or in connection therewith any works, repairs or renewals, for the purpose of preventing or mitigating any such damage, and the Company shall make compensation in the manner specified in the *Railway Act*, to all persons interested for the damage sustained by them, if any, by reason of the exercise of the powers in this paragraph contained; and section two hundred and thirty-nine of the *Railway Act* shall apply to the exercise of the powers in this paragraph granted so far as is necessary to enable the Company to carry them into effect.

R.S. c. 170.

Tolls and revenues.

10. Subject to the provisions of the *Railway Act*, the Company may charge tolls for the use of the said bridge or approaches and facilities and may regulate the tolls to be charged.

Location of bridge.

11. Subject to the provisions of section eight of this Act as to location, the said bridge shall be constructed and located under and be subject to such regulations for the security of navigation of the said river, as the Governor in Council prescribes and to such end the Company shall submit to the Governor in Council, for examination and approval, a design and drawing of the bridge, and a map of the location, giving the soundings accurately, showing the bed of the stream and the location of other bridges, and shall furnish such other information as is required for a full and satisfactory understanding of the subject, and until the said plans and location are approved by the Governor in Council the bridge shall not be built or commenced; and if any change is made in the plans of the said bridge during its construction, such change shall be subject to the approval of the Governor in Council and shall not be made or commenced until it is so approved.

Bonding powers.

12. (1) The Company may issue bonds, debentures or other securities in aid of the construction herein mentioned, to an amount not exceeding twelve million dollars.

Mortgages.

(2) For the purpose of securing the issue of such bonds the Company may execute a mortgage or mortgages, not inconsistent with law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution passed at a special meeting of the shareholders called for the purpose.

Tolls and revenues.

(3) The Company may charge and bind the tolls and revenues of the property to which any such mortgage relates in the manner and to the extent therein specified.

Interest on bonds, etc.

(4) The bonds, debentures and other securities of the Company, or any of the companies referred to in sections fifteen and sixteen of this Act may, pursuant to any arrangement in that behalf, be made payable at such times and in such manner and at such place or places in Canada, or elsewhere, and may bear such rate of interest not exceeding seven per centum per annum as the directors think proper.

Directors may issue paid-up stock.

13. Subject to the provisions of the *Companies Act*, the directors may issue as paid-up stock shares of the capital stock of the Company in payment for any businesses, franchises, undertakings, rights, powers, privileges, letters patent, inventions, real estate, stocks, assets and other properties which the Company may lawfully acquire, and may, for such considerations, allot and hand over such shares to any person or corporation, or its shareholders or directors; and any such issue or allotment of stock shall be binding upon the Company and such stock shall not be assessable for calls, nor shall the holder thereof be liable in any way thereon; or the Company may pay therefor wholly or partly in paid-up shares or wholly or partly in debentures as may be agreed upon.

Amalgamation with other companies.

14. The Company may make agreements with any company, body or commission, incorporated or created under the laws of Canada or under the laws of the United States of America, or the state of New York, respecting the financing, controlling, construction, maintenance and use of the said bridge and its appurtenances and acquiring the approaches and lands therefor in the state of New York, as well as in Canada, and may unite with any such company, body or commission in financing, controlling, building, working, managing, maintaining and using the said bridge, terminals and approaches, and may amalgamate with any such company, body or commission on such terms and conditions as may be agreed upon and subject to such restrictions as the directors deem fit, and may assign, transfer and convey to any such company, body or commission at any time before the completion of the said bridge, such part, if any, of the said bridge as may then have been constructed, and all rights and powers acquired by the

Company, including those rights and powers acquired under this Act, and also all the franchises, surveys, plans, works, plant, machinery and other property to it belonging upon such terms and conditions as may be agreed upon by the directors: Provided that such agreement or agreements, amalgamation, union, assignment, transfer or conveyance shall have been first approved by the holders of two-thirds of the shares at a special general meeting of the shareholders, duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in number of the subscribed shares of the Company are present, or represented by proxy, and that such agreement or agreements, amalgamation, union, assignment, transfer or conveyance shall also have received the sanction of the Governor in Council and certified copies thereof shall be filed forthwith in the office of the Secretary of State for Canada.

Proviso.

Agreement for amalgamation.

15. Upon an amalgamation agreement being sanctioned by the Governor in Council under the last preceding section, the companies or parties to such agreement shall be amalgamated, and shall form one company or body under the name and upon the terms and conditions in such agreement provided; and the amalgamated companies or parties shall possess and be vested with the undertakings, powers, rights, privileges, franchises and properties, real, personal and mixed, belonging to, possessed by, or vested in the companies or parties to such agreement, or either of them, or to which they or either of them may be or become entitled and shall be liable for all claims, debts, obligations, works, contracts, agreements or duties, to as full an extent as the said companies or parties were or either of them was at the time the said amalgamation took effect.

Borrowing powers.

16. Subject to the approval of the Governor in Council, the said new or amalgamated company or body may from time to time borrow such sums of money, not exceeding ten million dollars, as may be necessary for constructing and completing the said bridge, and for the acquiring of the necessary lands therefor, and may mortgage its property, assets, rents and revenues, present, and future, or such portion thereof as may be described in the mortgage deed, to secure the payment thereof.

Securing payment of bonds.

17. The Company, in lieu of issuing its own bonds or other securities, shall have power to mortgage, pledge or hypothecate all its assets and undertakings, rights, franchises, and privileges, both present and future, jointly and in conjunction with any of the companies or bodies referred to in sections fourteen, fifteen and sixteen of this Act, to

secure payment of any bonds or other securities issued by such other company or body for the joint purposes of the Company and such other company or body in connection with the construction of the said bridge under any arrangement which may be entered into between the Company and such other company or body in respect thereof, and to execute and deliver mortgages or deeds of trust by way of mortgage to secure such payment: Provided, always, that the Company shall not mortgage, pledge or hypothecate its assets, undertakings, rights, franchises and privileges or secure payment of any bonds or other securities to a greater amount than ten million dollars.

Proviso.

Time for commencement and completion of bridge.

18. (1) The construction of the said bridge shall be commenced within three years after the Governor in Council and the Executive of the United States of America or other competent authority therein, have approved of such bridging and shall be completed within eight years after such commencement, otherwise the powers granted by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted: Provided, however, that if such approval is not obtained within five years after the passing of this Act, the powers granted for the construction of the said bridge shall cease and be null and void.

Proviso.

Construction not to commence until $50,000 deposited.

(2) Construction of the said bridge shall not be commenced until a sum of at least fifty thousand dollars has been paid into the Treasury of the Dominion of Canada, which sum shall not be withdrawn until the said bridge has been opened for public use and a certificate of the chief engineer of the Company, or amalgamated body or company, to that effect has been filed with the Minister of Finance, and such sum shall be forfeited to Her Majesty upon the order of the Governor in Council if the said bridge is not completed within the time specified in this section.

When property to be conveyed to Canada, etc.

19. When the corporate obligations and stock of the Company and of any of the companies or bodies mentioned in sections fourteen, fifteen, sixteen and seventeen of this Act, with which the Company shall join or unite in the construction of said bridge, have been retired, in the manner prescribed in their by-laws, then such bridge and the approaches thereto and all appurtenant structures, property, property rights and franchises, so far as the same are located within the United States of America shall be conveyed by the Company, its successors and assigns, without cost or expense to the state of New York or to such municipality or agency of the state of New York as the legislature of said state may designate, and so far as the same are located within Canada shall be conveyed, without cost or expense

to Canada or to such province, municipality or agency thereof as the Governor in Council may designate, and all rights, title and interest of the Company, its successors and assigns, in such bridge and the approaches thereto and all appurtenant structures, property, property rights and franchises, so far as the same are located within Canada, shall then cease and determine: Provided, always, that the period for payment of the obligations of the companies or bodies and the retirement of their capital stock and any extension thereof and the provisions of the by-laws of the companies or bodies in respect thereof shall have been previously approved by the Governor in Council.

Proviso.

May accept grants.

20. The Company may receive by grant from any government, municipality or persons, as aid in the construction, equipment and maintenance of the said bridge and works connected therewith, any real or personal estate or property, or any sums of money, debentures or subsidies, either as gifts by way of bonus or guarantee, or in payment or as subventions for services and may dispose thereof, and may alienate such of the said property as is not required for the purposes of the Company in carrying out the provisions of this Act.

Rights of municipalities served.

21. Notwithstanding anything in this Act contained the Company shall not locate, construct or operate any of the works mentioned in this Act upon or connect the same with any highway, street or other public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway, street or other public place, and except upon terms to be agreed upon with such municipality, and failing such consent, within sixty days from the date of the request made in writing by the Company for such consent to the said municipality, then upon such terms as are fixed by the Board of Transport Commissioners for Canada.

"Bridge" defined.

22. Whenever in this Act the expression "bridge" occurs, it means, unless the context otherwise requires the bridge, approaches, lands, works and facilities by this Act authorized.

Repeal.

23. Chapter seventy-seven of the statutes of 1946 is repealed.

The Companies Act, 1934, to apply.

24. *The Companies Act, 1934*, shall, so far as it is not inconsistent with the provisions of this Act, apply to the Company.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL P11.

An Act relating to Trade Marks and Unfair Competition.

Read a first time, Thursday, 12th June, 1952.

Honourable Senator ROBERTSON.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

59381

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL P[11].

An Act relating to Trade Marks and Unfair Competition.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short Title.

Short title.

1. This Act may be cited as *The Trade Marks Act.*

Interpretation.

Definitions.

2. In this Act,

"certification mark".

(a) "certification mark" means a mark that is used for the purpose of distinguishing or so as to distinguish wares or services that are of a defined standard with respect to

(i) the character or quality of the wares or services,

(ii) the working conditions under which the wares have been produced or the services performed,

(iii) the class of persons by whom the wares have been produced or the services performed, or

(iv) the area within which the wares have been produced or the services performed,

from wares or services that are not of such a defined standard;

"confusing".

(b) "confusing" when applied as an adjective to a trade mark or trade name, means a trade mark or trade name the use of which causes confusion in the manner and circumstances described in section six;

"Convention".

(c) "Convention" means the Convention of the Union of Paris made on the twentieth day of March, eighteen hundred and eighty-three, and any amendments and revisions thereof made before or after the coming into force of this Act to which Canada is a party;

"country of origin".

(d) "country of origin" means the country of the Union, other than Canada, in which the applicant for registra-

Explanatory Notes.

The purpose of this Bill is to revise and consolidate the law relating to trade marks.

The references to sections are references to sections of the *Unfair Competition Act* dealing with the same subject matter.

Sec. 2 *(a)*

Sec. 28 (2)

tion of a trade mark had at the date of the application a real and effective industrial or commercial establishment, or if he had no such establishment at that date, means the country of the Union where he had his domicile, or if at that date he neither had such an establishment nor was domiciled in any country of the Union, means the country of the Union of which he was then a citizen or national;

"country of the Union". *(e)* "country of the Union" means any country that is a member of the Union for the Protection of Industrial Property constituted under the Convention;

"distinctive". *(f)* "distinctive" in relation to a trade mark means a trade mark that actually distinguishes the wares or services in association with which it is used by its owner from the wares or services of others or is adapted so to distinguish them;

"distinguishing guise". *(g)* "distinguishing guise" means

(i) a shaping of wares or their containers, or

(ii) a wrapping or packaging of wares

the appearance of which is used by a person for the purpose of distinguishing or so as to distinguish wares manufactured, sold, leased or hired by him from those manufactured, sold, leased or hired by others;

"owner". *(h)* "owner" in relation to a certification mark means the person by whom the defined standard has been established;

"package". *(i)* "package" includes any container or holder ordinarily associated with wares at the time of the transfer of the property in or possession of the wares in the course of trade;

"permitted use". *(j)* "permitted use" means the use of a registered trade mark by a registered user thereof in association with wares manufactured, sold, leased or hired by him or services performed by him in accordance with the terms of his registration as a registered user;

"person". *(k)* "person" includes any lawful trade union and any lawful association engaged in trade or business or the promotion thereof, and the administrative authority of any country, state, province, municipality or other organized administrative area;

"person interested". *(l)* "person interested" includes any person who is affected or reasonably apprehends that he may be affected by any entry in the Register, or by any act or ommission or contemplated act or omission under or contrary to the provisions of this Act, and includes the Attorney General of Canada;

"prescribed". *(m)* "prescribed" means prescribed by or under the regulations;

"register". *(n)* "register" means the register kept under section twenty-eight;

"registered trade mark". *(o)* "registered trade mark" means a trade mark that is on the register;

Sec. 2 *(c)*

Sec. 2 *(d)*

Sec. 2 *(f)*

Sec. 2 *(g)*

Sec. 2 *(h)*

"registered user". *(p)* "registered user" means a person registered as such under section fifty;

"Registrar". *(q)* "Registrar" means the Registrar of Trade Marks appointed under this Act;

"related companies". *(r)* "related companies" means companies that are members of a group of two or more companies one of which, directly or indirectly, owns or controls a majority of the issued voting stock of the others;

"representative for service". *(s)* "representative for service" means the person named or appointed under paragraph *(g)* of section thirty-one or subsection one of section forty-three;

"trade mark". *(t)* "trade mark" means

(i) a mark that is used by a person for the purpose of distinguishing or so as to distinguish wares or services manufactured, sold, leased, hired or performed by him from those manufactured, sold, leased, hired or performed by others,

(ii) a certification mark, or

(iii) a distinguishing guise;

"trade name". *(u)* "trade name" means the name under which any business is carried on, whether or not it is the name of a corporation, a partnership or an individual;

"use". *(v)* "use" in relation to a trade mark, means any use that by section four is deemed to be a use in association with wares or services;

"wares". *(w)* "wares" includes printed publications.

When trade mark deemed to be adopted. **3.** A trade mark is deemed to be adopted by a person when he commenced to use the trade mark in Canada or to make it known in Canada or, if he has not previously so used it or made it known, when he filed an application for its registration, under the laws of Canada or any province now forming part of Canada.

When trade mark deemed to be used. **4.** (1) A trade mark is deemed to be used in association with wares if, at the time of the transfer of the property in or possession of such wares, in the normal course of trade, it is marked on the wares themselves or on the packages in which they are distributed or it is in any other manner so associated with the wares that notice of the association is then given to the person to whom the property or possession is transferred.

Idem. (2) A trade mark is deemed to be used in association with services if it is used or displayed in the performance or advertising of such services.

Use by export. (3) A trade mark that is marked in Canada on wares or on the packages in which they are contained is, when such wares are exported from Canada, deemed to be used in Canada in association with such wares.

Sec. 2 *(i)*

Sec. 2 *(m)*

Sec. 2 *(n)*

Sec. 6

Sec. 6

When trade mark deemed to be made known in Canada.

5. A trade mark used by a person in a country of the Union, other than Canada, in association with wares or services, is deemed to be made known in Canada by such person if

(a) such wares are distributed in association with it in Canada, or

(b) such wares or services are advertised in association with it in

(i) any printed publication circulated in Canada in the ordinary course of commerce among potential dealers in or users of such wares or services, or

(ii) radio or television broadcasts ordinarily received in Canada by potential dealers in or users of such wares or services.

When mark or name confusing.

6. (1) For the purposes of this Act a trade mark or trade name is confusing with another trade mark or trade name if the use of such first mentioned trade mark or trade name causes confusion with such last mentioned trade mark or trade name in the manner and circumstances described in this section.

dem.

(2) The use of a trade mark causes confusion with another trade mark if the use of both trade marks in the same area is likely to lead to the inference that the wares or services associated with such trade marks are manufactured, sold, leased, hired or performed by the same person, whether or not such wares or services are of the same general class.

Idem.

(3) The use of a trade mark causes confusion with a trade name if the use of both the trade mark and trade name in the same area is likely to lead to the inference that the wares or services associated with the trade mark and those associated with the business carried on under such trade name are manufactured, sold, leased, hired or performed by the same person, whether or not such wares or services are of the same general class.

Idem.

(4) The use of a trade name causes confusion with a trade mark if the use of both the trade name and the trade mark in the same area is likely to lead to the inference that the wares or services associated with the business carried on under such trade name and those associated with such trade mark are manufactured, sold, leased, hired or performed by the same person, whether or not such wares or services are of the same general class.

What to be considered.

(5) In determining whether marks or trade names are confusing, the court or the Registrar, as the case may be, shall have regard to all the surrounding circumstances including

(a) the inherent distinctiveness of the trade marks or trade names and the extent to which they have become known;

(*b*) the length of time the trade marks or trade names have been in use;
(*c*) the nature of the wares, services or business;
(*d*) the nature of the trade; and
(*e*) the degree of resemblance between the trade marks or trade names in appearance or sound or in the ideas suggested thereby.

UNFAIR COMPETITION AND PROHIBITED MARKS.

Prohibitions.

7. No person shall
(*a*) make a false or misleading statement tending to discredit the business, wares or services of a competitor;
(*b*) direct public attention to his wares, services or business in such a way as to create or be likely to create confusion in Canada, at the time he commenced so to direct attention to them, between his wares, services or business and the wares, services or business of another;
(*c*) pass off other wares or services as and for those ordered or requested;
(*d*) make use, in association with wares or services, of any description that is false in a material respect and likely to mislead the public as to
(i) the character, quality, quantity or composition,
(ii) the geographical origin, or
(iii) the mode of the manufacture, production or performance
of such wares or services;
(*e*) do any other act or adopt any other business practice contrary to honest industrial or commercial usage in Canada.

Exceptions.

8. A person may sell, distribute and advertise in association with a trade mark wares with which such trade mark was associated by or with the authority of the registered owner of the trade mark, but repaired or re-packaged wares or wares wrought into other wares shall not be sold or distributed in association with a trade mark except with the consent of the owner of the trade mark.

Warranty of lawful use.

9. Every person who in the course of trade transfers the property in or the possession of any wares bearing, or in packages bearing, any trade mark or trade name, shall, unless before the transfer he otherwise expressly states in writing, be deemed to warrant, to the person to whom the property or possession is transferred, that such trade mark or trade name has been and may be lawfully used in connection with such wares.

Sec. 11

Sec. 15

Prohibited marks.

10. (1) No person shall adopt in connection with a business, as a trade mark or otherwise, any mark consisting of, or so nearly resembling as to be likely to be mistaken for

(a) the Royal Arms, Crest or Standard;

(b) the arms or crest of any member of the Royal Family;

(c) the standard, arms or crest of His Excellency the Governor General;

(d) any word or symbol likely to lead to the belief that the wares or services in association with which it is used have received or are produced, sold or performed under royal, vice-regal or governmental patronage, approval or authority;

(e) the arms, crest or flag adopted and used at any time by Canada or by any province or municipal corporation in Canada in respect of which the Registrar has at the request of the Government of Canada or of the province or municipal corporation concerned, given public notice of its adoption and use;

(f) the heraldic emblem of the Red Cross on a white ground, formed by reversing the federal colours of Switzerland and retained by the Geneva Convention for the Protection of War Victims of 1949, as the emblem and distinctive sign of the Medical Service of armed forces; or the expression "Red Cross" or "Geneva Cross";

(g) the heraldic emblem of the Red Crescent on a white ground adopted for the same purpose as specified in paragraph *(f)* by a number of Moslem countries;

(h) the equivalent sign of the Red Lion and Sun used by Iran for the same purpose as specified in paragraph *(f)*;

(i) any national, territorial or civic flag, arms, crest or emblem, or official control and guarantee sign or stamp, notice of the objection to the use of which as a commercial device has been received pursuant to the provisions of the Convention and publicly given by the Registrar before the adoption of the symbol;

(j) any scandalous, obscene or immoral word or device;

(k) any matter that may falsely suggest a connection with any living person;

(l) the portrait or signature of any person who is living or has died within thirty years;

(m) the words "United Nations" and the official seal and emblem of the United Nations;

(n) any

(i) badge, crest or emblem adopted or used by any of Her Majesty's naval, army or air forces;

(ii) emblem of any university or of any fraternal or charitable society, the legal existence of which is recognized under any law in force in Canada;

(iii) mark adopted and used by any public authority in Canada as an official mark for wares or services;

in respect of which the Registrar has, at the request of Her Majesty or of the university, society or public authority as the case may be, given public notice of its adoption and use;

(o) the name "Royal Canadian Mounted Police" or "R.C.M.P." or any other combination of letters relating to the Royal Canadian Mounted Police, or any pictorial representation of a uniformed member thereof;

(p) either

(i) the words "Boy Scouts", or any pictorial representation of a uniformed member of the Boy Scouts Association, or

(ii) any emblem, badge, decoration, descriptive mark or title, now used or hereafter adopted by the Boy Scouts Association of which the Registrar has, at the request of the Association, given public notice of its adoption and use,

in such a manner as is likely to lead to the belief that any wares or services in association with which it is used have received or are produced, sold or rendered under the approval or authority of the Boy Scouts Association.

Consent to use.

(2) Nothing in this section prevents the use as a trade mark or otherwise, in connection with a business, of any mark described in subsection one with the consent of Her Majesty or such other person, society, authority or organization as may be considered to have been intended to be protected by this section.

Further prohibitions.

11. Where any mark has by ordinary and *bona fide* commercial usage become recognized in Canada as designating the kind, quality, quantity, destination, value, place of origin or date of production of any wares or services, no person shall adopt it as a trade mark in association with such wares or services or others of the same general class or use it in such a way as is likely to mislead.

Idem.

12. No person shall use in connection with a business, as a trade mark or otherwise, any mark adopted contrary to section ten or eleven of this Act or contrary to section thirteen or fourteen of *The Unfair Competition Act, 1932*.

1932, c. 38.

Registrable Trade Marks.

When trade mark registrable.

13. (1) A trade mark is registrable if it is not

(a) according to the manner in which it is used, primarily the full name or the surname of an individual, unless it is the signature of the applicant or his predecessor in title,

Sec. 13.

Sec. 26, 27.

(b) whether depicted, written or sounded, clearly descriptive or deceptively misdescriptive in the English or French languages of the character or quality of the wares or services in association with which it is used or proposed to be used or of the conditions of or the persons employed in their production or of their place of origin,

(c) the name in any language of any of the wares or services in connection with which it is used or proposed to be used,

(d) confusing with a trade mark already registered, or

(e) a mark of which the adoption is prohibited by section ten or eleven.

Idem.

(2) A trade mark that is not registrable by reason of paragraph *(a)* or paragraph *(b)* is registrable if it has been so used in Canada by the applicant or his predecessor in title as to have become generally distinctive at the date of filing an application for its registration.

When distinguishing guises registrable.

14. (1) A distinguishing guise is registrable only if

(a) it has been so used in Canada by the applicant or his predecessor in title as to have become generally distinctive at the date of filing an application for its registration, and

(b) the Registrar is satisfied that the exclusive use by the applicant of such distinguishing guise in association with the wares or services with which it has been used will not be likely unreasonably to limit the development of any art or industry.

Effect of registration.

(2) No registration of a distinguishing guise interferes with the use of any utilitarian feature embodied in the distinguishing guise.

Not to limit art or industry.

(3) The registration of a distinguishing guise may be expunged by the Exchequer Court of Canada on the application of any interested person if the Court decides that the registration is likely unreasonably to limit the development of any art or industry.

Registration of marks registered abroad.

15. (1) Notwithstanding section thirteen, a trade mark that the applicant or his predecessor in title has caused to be duly registered in his country of origin is registrable as from the date of filing of the application on the basis of which it was so registered, if

(a) it is not confusing with a trade mark already registered,

(b) it is not wholly without distinctive character,

28 (1) *(d)*.

(c) it is not contrary to morality or public order or of such a nature as to deceive the public, or

(d) it is not a trade mark of which the adoption is prohibited by section ten or eleven.

Definition of marks registered abroad.

(2) A trade mark that differs from the trade mark registered in the country of origin only by elements that do not alter its distinctive character or affect its identity in the form under which it is registered in the country of origin shall be regarded for the purpose of subsection one as the trade mark so registered.

Registration of confusing marks.

16. (1) Notwithstanding section twenty-one or twenty-three, confusing trade marks are registrable if the applicant is the owner of all such trade marks, which shall be known as associated trade marks.

Record.

(2) Upon the registration of any trade mark associated with any other registered trade mark, a note of the registration of each trade mark shall be made on the record of registration of the other trade mark.

Amendment.

(3) No amendment of the register recording any change in the ownership or in the name or address of the owner of any one of a group of associated trade marks shall be made unless the Registrar is satisfied that the same change has occurred with respect to all the trade marks in such group, and corresponding entries are made contemporaneously with respect to all such trade marks.

Persons Entitled to Registration of Trade Marks.

Registration of marks used or made known in Canada.

17. (1) Any applicant who files an application in accordance with section thirty-one for registration of a registrable trade mark that he or his predecessor in title has used in Canada or made known in Canada in association with wares or services is entitled, subject to section thirty-nine, to secure its registration in respect of such wares or services, unless at the date on which he or his predecessor in title first so used it or made it known it was confusing with

(a) a trade mark that had been previously used in Canada or made known in Canada by any other person,

(b) a trade mark or proposed trade mark in respect of which an application for registration had been previously filed in Canada by any other person, or

(c) a trade name that had been previously used in Canada by any other person.

Marks used or made known abroad.

(2) Any applicant who files an application in accordance with section thirty-one for registration of a registrable trade mark that he or his predecessor in title has duly

Sec. 28 (1) *(b)*.

Sec. 45.

registered or applied to register in his country of origin and has used in association with wares or services is entitled, subject to sections thirty-two and thirty-nine, to secure its registration in respect of the wares or services in association with which it is registered in such country and has been used, unless at the date of filing of such application it is confusing with

(a) a trade mark that has been previously used in Canada or made known in Canada by any other person,

(b) a trade mark or proposed trade mark in respect of which an application for registration had been previously filed in Canada by any other person, or

(c) a trade name that had been previously used in Canada by any other person.

Proposed marks.

(3) Any applicant who files an application in accordance with section thirty-one for registration of a proposed registrable trade mark is entitled, subject to sections thirty-nine and forty-one, to secure its registration in respect of the wares or services specified in the application, unless at the date of filing of the application it is confusing with

(a) a trade mark that had been previously used in Canada or made known in Canada by any other person,

(b) a trade mark or proposed trade mark in respect of which an application for registration had been previously filed in Canada by any other person, or

(c) a trade name that had been previously used in Canada by any other person.

Where application for confusing mark pending.

(4) The right of an applicant to secure registration of a registrable trade mark is not affected by the previous filing of an application for registration of a confusing trade mark or proposed trade mark by another person, unless the application for registration of the confusing trade mark or proposed trade mark was pending at the date of filing of the applicant's application.

Previous use or making known of confusing mark.

(5) The right of an applicant to secure registration of a registrable trade mark is not affected by the previous use or making known of a confusing trade mark or trade name by another person, if such confusing trade mark or trade name was abandoned at the date of filing of the applicant's application.

Validity and Effect of Registration.

Effect of registration in relation to previous use, etc. of confusing marks.

18. (1) No application for registration of a trade mark that has been advertised for opposition shall be refused and no registration of a trade mark shall be expunged or amended or held invalid on the ground of any previous use or making known of a confusing trade mark or trade name by a person

other than the applicant for such registration or his predecessor in title, except at the instance of such other person or his successor in title, and the burden lies on such other person or his successor to establish that he had not abandoned such confusing trade mark or trade name at the date of the filing of the applicant's application.

When registration incontestable.

(2) In proceedings commenced after the expiry of five years from the date of issue of the certificate of registration of a trade mark or from the date of the coming into force of this Act, whichever is the later, no registration shall be expunged or amended or held invalid on the ground of the previous use or making known referred to in subsection one, unless it is established that the person who adopted the registered trade mark in Canada did so with knowledge of such previous use or making known.

When registration invalid.

19. Subject to section eighteen, the registration of a trade mark is invalid if

(a) the trade mark was not registrable at the date of registration;

(b) the applicant for registration was not the person entitled to secure the registration;

(c) the trade mark is not distinctive at the time proceedings bringing the validity of the registration into question are commenced; or

(d) the trade mark has been abandoned.

Rights conferred by registration.

20. Subject to sections twenty-two, thirty-three and sixty-six, the registration of a trade mark in respect of any wares or services, unless shown to be invalid, gives to the owner the exclusive right to the use throughout Canada of such trade mark in respect of such wares or services.

Infringement.

21. The right of the owner of a registered trade mark to its exclusive use shall be deemed to be infringed by a person not entitled to its use under this Act who sells, distributes or advertises wares or services in association with a confusing trade mark or trade name, but no registration of a trade mark prevents a person from making any *bona fide* use, other than as a trade mark,

(a) of the geographical name of his place of business,

(b) of any accurate description of the character or quality of his wares or services, or

(c) of his personal name

in such a manner as is not likely to have the effect of depreciating the value of the goodwill attaching to the trade mark.

Sec. 35.

Concurrent use of confusing marks.

22. (1) Where, in any proceedings respecting a registered trade mark of which the registration is entitled to the protection of subsection two of section eighteen, it is made to appear to the Exchequer Court of Canada that one of the parties to the proceedings, other than the registered owner of the trade mark, had in good faith used a confusing trade mark or trade name in Canada before the date of such registration, and the Court considers that it is not contrary to the public interest that the continued use of the confusing trade mark or trade name should be permitted in a defined territorial area concurrently with the use of the registered trade mark, it may, subject to such terms as it deems just, order that such other party may continue to use the confusing trade mark or trade name within such area with an adequate specified distinction from the registered trade mark.

Registration of order.

(2) The rights conferred by an order made under subsection one take effect only if, within three months from its date, such other party makes application to the Registrar to enter it on the register in connection with the registration of the registered trade mark.

Depreciation of goodwill.

23. (1) No person shall use a trade mark registered by another person, in a manner likely to have the effect of depreciating the value of the goodwill attaching thereto.

(2) In any action in respect of a use contrary to subsection one, the court may decline to order the recovery of damages or profits and may permit the defendant to continue to sell wares marked with such trade mark that were in his possession or under his control at the time notice was given to him that the owner of the registered trade mark complained of such use.

Actions to prevent infringement.

24. No person shall institute proceedings in a court to prevent the infringement of a trade mark unless the trade mark is registered, except that the owner of a mark who cannot obtain registration thereof without first obtaining an order to expunge an existing registration may, in proceedings for such expungement, claim relief against the use by the registrant of the registered mark.

Certification Marks.

Registration of certification marks.

25. (1) A certification mark may be adopted and registered only by a person who is not engaged in the manufacture, sale, leasing or hiring of wares or the performance of services such as those in association with which the certification mark is used.

Licence.

(2) The owner of a certification mark may license others to use the mark in association with wares or services that meet the defined standard, and the use of the mark accordingly shall be deemed to be use thereof by the owner.

Unauthorized use.

(3) The owner of a registered certification mark may prevent its use by unlicensed persons or in association with any wares or services to which the licence does not extend.

Action by unincorporated body.

(4) Where the owner of a registered certification mark is an unincorporated body, any action or proceeding to prevent unauthorized use of such mark may be brought by any member of such body on behalf of himself and all other members thereof.

Registration of trade mark confusing with certification mark.

26. With the consent of the owner of a certification mark, a trade mark confusing with the certification mark may, if it exhibits an appropriate difference, be registered by some other person to indicate that the wares or services in connection with which it is used have been manufactured, sold, leased, hired or performed by him as one of the persons entitled to use the certification mark, but the registration thereof shall be expunged by the Registrar on the withdrawal at any time of the consent of the owner of the certification mark, whereupon such other person has no right to continue to use such trade mark.

Descriptive certification mark.

27. A certification mark descriptive of the place of origin of wares or services, and not confusing with any registered trade mark, is registrable if the applicant is the administrative authority of a country, state, province or municipal area including or forming part of the area indicated by the mark, or is a commercial association having its headquarters in such area and recognized by the law in force therein; but the owner of any mark registered under this section shall permit the use of the mark in association with any wares or services produced or performed in the area of which the mark is descriptive.

Register of Trade Marks.

Register.

28. (1) There shall be kept under the supervision of the Registrar a register of trade marks and of assignments, transmissions, disclaimers, amendments, permitted uses, judgments and orders relating to each registered trade mark.

Sec. 12.

Sec. 28 (1) *(c)*.

Sec. 28 (1) *(a)*.

Sec. 22.

Information to be shown.

(2) The register shall show, with reference to each registered trade mark, the following:

(a) the date of registration;

(b) the date on which the certificate of registration was issued;

(c) a summary of the application for registration;

(d) a summary of all documents deposited with such application or subsequently thereto and affecting the rights to such trade mark;

(e) particulars of each renewal;

(f) particulars of each change of name and address;

(g) such other particulars as this Act or the regulations require to be entered thereon.

Register under *Unfair Competition Act.*

(3) The register kept under *The Unfair Competition Act, 1932*, forms part of the register kept under this Act and no entry made therein, if properly made according to the law in force at the time it was made, is subject to be expunged or amended only because it might not properly have been made pursuant to this Act.

Trade marks registered under *Unfair Competition Act.*

(4) Trade marks on the register at the date of the coming into force of *The Unfair Competition Act, 1932*, shall be treated as word marks or as design marks as defined in that Act according to the following rules:

(a) any trade mark consisting only of words or numerals or both without any indication of a special form or appearance shall be deemed to be a word mark;

(b) any other trade mark consisting only of words or numerals or both shall be deemed to be a word mark if at the date of its registration the words or numerals or both would have been registrable independently of any defined special form or appearance and shall also be deemed to be a design mark for reading matter presenting the special form or appearance defined;

(c) any trade mark including words or numerals or both in combination with other features shall be deemed

(i) to be a design mark having the features described in the application therefor but without any meaning being attributed to the words or numerals,

(ii) to constitute a word mark if and so far as it would at the date of registration have been registrable independently of any defined form or appearance and without being combined with any other feature;

(d) any other trade mark shall be deemed to be a design mark having the features described in the application therefor.

Idem.

(5) Trade marks registered under *The Unfair Competition Act, 1932*, shall, in accordance with their registration, continue to be treated as word marks or design marks as defined in that Act.

Sec. 23.

Indexes.

29. There shall be kept under the supervision of the Registrar,

(a) an index of registered trade marks;

(b) an index of trade marks in respect of which applications for registration are pending;

(c) an index of applications that have been abandoned or refused;

(d) an index of the names of owners of registered trade marks;

(e) an index of the names of applicants for the registration of trade marks; and

(f) an index of the names of registered users.

Register open to inspection.

30. Subject to subsection five of section fifty, the register, the documents upon which the entries therein are based, all applications, including those abandoned, and the indexes shall be open to public inspection during business hours and the Registrar shall, upon request and payment of the fee prescribed therefor, furnish a copy certified by him of any entry in the register or indexes, or of any such document or application.

Applications for Registration of Trade Marks.

Contents of application.

31. An applicant for the registration of a trade mark or a proposed trade mark shall file with the Registrar an application containing

(a) a statement in ordinary commercial terms of the specific wares or services in association with which the mark has been or is proposed to be used;

(b) in the case of a trade mark that has been used in Canada, the date from which the applicant or his named predecessors in title, if any, have so used the trade mark in association with each of the categories of wares or services described in the application;

(c) in the case of a trade mark that has not been used in Canada but is made known in Canada, the names of the countries of the Union in which it has been used by the applicant or his named predecessors in title, if any, before it was made known in Canada and the date from and the manner in which the applicant or such predecessors have made it known in Canada in association with each of the categories of the wares or services described in the application;

(d) in the case of a trade mark that is the subject in another country of the Union of a registration or an application for registration by the applicant or his predecessor in title on which the applicant bases his right to registration, particulars of such application or

Sec. 36.

Sec. 25.

Sec. 30.

Sec. 32.

registration and, if the trade mark has neither been used in Canada nor made known in Canada, the name of a country in which the trade mark has been used by the applicant or his named predecessor in title, if any, in association with each of the categories of wares or services described in the application;

(e) in the case of a proposed trade mark, a statement that the applicant intends to use such trade mark in Canada;

(f) in the case of a certification mark, particulars of the defined standard that distinguishes the wares or services in association with which it is used from others of the same general class and a statement that the applicant is not engaged in the manufacture, sale, leasing or hiring of wares or the performance of services such as those in association with which the certification mark is used;

(g) the address of the applicant's principal office or place of business in Canada, if any, and if the applicant has no office or place of business in Canada, the address of his principal office or place of business abroad and the name and address in Canada of some person or firm to or upon whom any notice in respect of the application or registration may be sent, and upon whom service of any proceedings in respect of the application or registration may be given or served with the same effect as if they had been given or served to or upon the applicant or registrant himself;

(h) unless the application is for the registration only of a word or words not depicted in a special form, a drawing of the trade mark and such number of accurate representations of the trade mark as may be prescribed; and

(i) a statement that the applicant is satisfied that he is entitled to use the trade mark in Canada in association with the wares or services described in the application.

Applications based on registration abroad.

32. An applicant whose right to registration of a trade mark is based on a registration of such trade mark in another country of the Union shall, within a period of three months from the date on which his application for registration under this Act is actually filed or from the date on which registration of such trade mark is granted in such other country, whichever date is the later, or within any extension of such period that the Registrar may for good cause allow, furnish a copy of such registration certified by the office in

Sec 30 (3).

Sec. 31.

Sec. 32.

which it was made, together with a translation thereof into English or French if it is in any other language, and such other evidence as the Registrar may require fully to establish his right to registration under this Act.

Further information in certain cases.

33. (1) An applicant who claims that his trade mark is registrable under subsection two of section thirteen or section fourteen shall furnish the Registrar with evidence by way of affidavit or statutory declaration establishing the extent to which and the time during which the trade mark has been used in Canada and with any other evidence that the Registrar may require in support of such claim.

Registration may be restricted as to area.

(2) The Registrar shall define the class of wares or services in association with which the trade mark has been so used and may, having regard to the evidence adduced, restrict the registration to a defined territorial area in Canada.

Applications by trade unions, etc.

34. Every trade union or commercial association applying for the registration of a trade mark may be required to furnish satisfactory evidence that its existence is not contrary to the laws of the country in which its headquarters are situate.

Date of application abroad deemed date of application in Canada.

35. (1) When an application for the registration of a trade mark has been made in any country of the Union other than Canada, and an application is subsequently made in Canada for the registration for use in association with the same kind of wares or services of the same or substantially the same trade mark by the same applicant or his successor in title, the date of the application in the other country shall be deemed to be the date of the application in Canada, and the applicant is entitled to priority in Canada accordingly notwithstanding any intervening use in Canada or making known in Canada or any intervening application or registration, if

(a) the application in Canada, including or accompanied by a declaration setting out the date upon which and the country of the Union in which the earliest application was made for the registration of the same or substantially the same trade mark for use in association with the same kind of wares or services, is made within six months from that date, and

(b) the applicant or, if the applicant is an assignee, his predecessor in title by whom any earlier application was made in any country of the Union, was at the date of such application a citizen or national of or domiciled in such country or had therein a real and effective industrial or commercial establishment, and

Sec. 40

(c) the applicant, within three months after making the application in Canada, or within such further period as the Registrar may, by order made within such three months, for good cause allow, furnishes a copy of every prior application relied upon, certified by the office in which it was made, together with a certificate by such office of the date upon which it was deposited therein, translations of these documents into English or French, if they are in any other language, and subsequently furnishes as required by the Registrar any other evidence necessary fully to establish his right to priority.

Disclaimer.

36. The Registrar may require unregistrable matter in an application to be disclaimed, but such disclaimer does not prejudice or affect the applicant's rights then existing or thereafter arising in the disclaimed matter, nor does such disclaimer prejudice or affect the applicant's right to registration on a subsequent application if the disclaimed matter has then become distinctive of the applicant's wares or services.

Abandonment.

37. Where, in the opinion of the Registrar, an applicant is in default in the prosecution of an application filed under this Act or any Act relating to trade marks in force prior to the coming into force of this Act, the Registrar may, after giving notice to the applicant of such default, treat the application as abandoned unless the default is remedied within the time specified in the notice, or within such further time as may be allowed by the Registrar.

When applications to be refused.

38. (1) The Registrar shall refuse an application for the registration of a trade mark if he is satisfied that

(a) the application does not comply with the requirements of section thirty-one,

(b) the trade mark is not registrable, or

(c) the applicant is not the person entitled to registration of the trade mark because it is confusing with another trade mark for the registration of which an application is pending,

and where the Registrar is not so satisfied, he shall cause the application to be advertised in the manner prescribed.

Notice to applicant.

(2) The Registrar shall not refuse any application without first notifying the applicant of his objections thereto and his reasons for such objections, and giving the applicant adequate opportunity to answer such objections.

Doubtful cases.

(3) Where the Registrar, by reason of a trade mark already registered, is in doubt whether the trade mark claimed in the application is registrable, he shall, by registered letter, notify the owner of the trade mark already registered of the advertisement of the application.

Statement of opposition.

39. (1) Within one month from the advertisement of an application, or such longer period as the Registrar may allow, any person may, upon payment of the prescribed fee, file a statement of opposition with the Registrar.

Grounds.

(2) Such opposition may be based on any of the following grounds:

(a) that the application does not comply with the requirements of section thirty-one;

(b) that the trade mark is not registrable;

(c) that the applicant is not the person entitled to registration; or

(d) that the trade mark is not distinctive.

Content.

(3) The statement of opposition shall set out,

(a) the grounds of opposition in sufficient detail to enable the applicant to reply thereto; and

(b) the address of the opponent's principal office or place of business in Canada, if any, and if the opponent has no office or place of business in Canada, the address of his principal office or place of business abroad and the name and address in Canada of some person or firm upon whom service of any document in respect of the opposition may be made with the same effect as if it had been served upon the opponent himself.

Frivolous opposition.

(4) If the Registrar considers that the opposition does not raise a substantial issue for decision, he shall reject it and shall give notice of his decision to the opponent.

Substantial issue.

(5) If the Registrar considers that the opposition raised a substantial issue for decision, he shall forward a copy of the statement of opposition to the applicant.

Counter statement.

(6) Within the prescribed time after a statement of opposition has been forwarded to him, the applicant may file a counter statement with the Registrar and serve a copy upon the opponent, and if he does not file a counter statement within the prescribed time he shall be deemed to have abandoned his application.

Evidence and hearing.

(7) Both the opponent and the applicant shall be given an opportunity, in the manner prescribed, to submit the evidence upon which they rely and to be heard by the Registrar if they so desire.

Decision.

(8) After hearing the parties, if so required, and considering the evidence, the Registrar shall decide the issue.

When application to be allowed.

40. When an application either has not been opposed and the time for the filing of a statement of opposition has expired or it has been opposed and the opposition has been decided finally in favour of the applicant, the Registrar thereupon shall allow it.

Registration of Trade Marks

Registration of trade marks.

41. (1) When an application for registration of a trade mark is allowed the Registrar shall thereupon register the trade mark and issue a certificate of its registration.

Proposed trade mark.

(2) When an application for registration of a proposed trade mark is allowed, the Registrar shall give notice to the applicant accordingly and shall register the trade mark only upon receipt of a declaration that the applicant, his successor in title or a person approved as a registered user under subsection six of section fifty has commenced the use of the trade mark in Canada in association with the wares or services specified in the application.

Abandonment of application.

(3) If the applicant for registration of a proposed trade mark fails to file the declaration referred to in subsection two within six months after the notice by the Registrar referred to in subsection two or within such further time as the Registrar may for good cause allow, his application shall be deemed to be abandoned.

Form and effect.

(4) Registration of a trade mark shall be made in the name of the applicant or his transferee and shall be dated and take effect as of the date of filing the application.

Amendment of the Register.

Amendments to register.

42. (1) The Registrar may, on application by the registered owner of a trade mark made in the prescribed manner, make any of the following amendments to the register:

(a) correct any error or enter any change in the name, address or description of the registered owner or of his representative for service in Canada;

(b) cancel the registration of the trade mark;

(c) amend the statement of the wares or services in respect of which the trade mark is registered; or

(d) enter a disclaimer that does not in any way extend the rights given by the existing registration of the trade mark.

Conditions.

(2) No amendment provided for in paragraph *(c)* of subsection one other than deletion shall be made in the register unless the Registrar is first satisfied that such amendment is justified by the use that has been made of the trade mark and that it will not prejudice the rights of the person appearing to be the owner of any registered trade mark at the date of the making of the application for the amendment.

Advertisement.

(3) Where the Registrar is satisfied as provided in subsection two he shall, except in the case of deletion of wares or services, cause the application to be advertised in the

Sec. 39

Secs. 42 and 48

Sec. 43

Sec. 49

manner prescribed, whereupon any person may oppose the application within the same time limit, upon payment of of the same fee, and subject to the same procedure as in the case of applications for registration.

Representative for service.

43. (1) The registered owner of a trade mark who has no office or place of business in Canada shall appoint another representative for service in place of the last recorded representative or supply a new and correct address of the last recorded representative upon notice from the Registrar that the last recorded representative has died or that a letter addressed to him at the last recorded address and sent by ordinary mail has been returned undelivered.

Change of address.

(2) When, after the despatch of the notice by the Registrar, no new appointment is made or no new and correct address is supplied by the registered owner within three months or such further period as the Registrar may allow, the Registrar or the Exchequer Court of Canada may dispose of any proceedings under this Act without requiring service on the registered owner of any process therein.

Additional representations.

44. The registered owner of any trade mark shall furnish such additional representations thereof as the Registrar may by notice demand and if he fails to comply with any such notice, the Registrar may by a further notice, fix a reasonable time after which, if the representations are not furnished, he may expunge the registration of the trade mark.

Notice for information.

45. (1) The Registrar may at any time, and shall at the request of any person who pays the prescribed fee, by notice in writing require the registered owner of any trade mark that was on the register at the date on which this Act comes into force, to furnish to him within three months from the date of the notice the information that would be required on an application for the registration of such trade mark made at the date of such notice.

Amendments to register.

(2) Subject to subsection three of section twenty-eight the Registrar may amend the registration in accordance with the information furnished to him under subsection one.

Failure to give information.

(3) Where the information is not furnished, the Registrar shall by a further notice fix a reasonable time after which, if the information is not furnished, he may expunge the registration of the trade mark.

Registrar may request evidence of user.

46. (1) At any time after three years from the date of the registration of a trade mark the Registrar may, and shall at the written request of any person who pays the prescribed fee, give notice to the registered owner requiring

Sec. 30 *(c)*

Sec. 47

him to furnish within three months an affidavit or statutory declaration showing that the trade mark, either with respect to all of the wares or services in connection with which it is registered or with respect to any category of such wares or services, is in use in Canada or, if not, the date when it was last in use and the reasons for the absence of use since such date.

Form of evidence.

(2) The Registrar shall not receive any evidence other than such affidavit or statutory declaration, but may hear representations made by or on behalf of the registered owner of the trade mark or by or on behalf of the person at whose request the notice was given.

Effect of non-user.

(3) Where it appears to the Registrar that the trade mark, either with respect to all of the wares or services in connection with which it is registered or with respect to any category of such wares or services, is not in use in Canada and that the absence of use has not been due to special circumstances that excuse such absence of use, the registration of such trade mark is liable to be expunged or amended accordingly.

Notice to owner.

(4) When the Registrar reaches a decision as to whether or not the registration of the trade mark ought to be expunged or amended, he shall give notice of his decision with the reasons therefor to the registered owner of the trade mark and to the person at whose request the notice was given.

Action by Registrar.

(5) The Registrar shall act in accordance with his decision if no appeal therefrom is taken within the time limited by this Act or, if an appeal is taken, shall act in accordance with the final judgment given in such appeal.

Renewal of Trade Marks.

Renewal.

47. (1) The registration of a trade mark that is on the register by virtue of the provisions of this Act is subject to renewal within the period specified in this section.

Notice to renew.

(2) If the registration of a trade mark has been on the register without renewal for the period specified in this section less four months, the Registrar shall send a notice to the registered owner and his representative for service, if any, stating that if within four months from the date of such notice the prescribed renewal fee is not paid, the registration will be expunged.

Failure to renew.

(3) If within the period specified in the notice the prescribed renewal fee is not paid, the Registrar shall expunge the registration.

Periods of renewal.

(4) The period referred to in subsections one and two of this section is as follows:

Sec. 50

(a) in the case of any trade mark registered before the first day of June, eighteen hundred and seventy-nine, or any general trade mark or union label on the register under this Act by virtue of a registration made under the *Trade Mark and Design Act*, chapter two hundred and one of the Revised Statutes of Canada, 1927, twenty-five years from the first day of September, nineteen hundred and thirty-two;

(b) in the case of any specific trade mark registered in accordance with the provisions of the *Trade Mark and Design Act*, twenty-five years from the date of such registration or from the first day of September, nineteen hundred and thirty-two, whichever is the earlier, or from the date of the last renewal thereof effected before the coming into force of this Act;

(c) in the case of any trade mark registered in accordance with the provisions of *The Unfair Competition Act, 1932*, fifteen years from the date of such registration or of the last renewal thereof effected before the coming into force of this Act; and

(d) in the case of any trade mark registered under this Act or renewed in accordance with the provisions of this section, fifteen years from the date of the registration or of the last renewal.

Effective date of renewal.

(5) When the prescribed fee for a renewal is paid within the time limited for the payment thereof, the renewal of any trade mark registration under this section takes effect as of the day next following the expiration of the period specified in subsection four.

NOTICES.

Service by mail.

48. (1) A notice authorized or required by this Act is sufficiently given if it is sent by prepaid registered mail addressed to the registered owner of a trade mark or his representative for service at his last address appearing upon the register.

Action pursuant to notice.

(2) Upon failure of any person to comply with the requirements of any notice given under this Act within the period of time specified by the notice or within such further time as the Registrar may allow, the Registrar may take such action by way of expungement, amendment or otherwise, as has been indicated in the notice.

TRANSFER.

Trade mark transferable.

49. (1) A trade mark, whether registered or unregistered, is transferable, and deemed always to have been transferable, either in connection with or separately from the good-

will of the business and in respect of either all or some of the wares or services in association with which it has been used.

Application for registration of transfer.

(2) Whenever a registered trade mark has been transferred, the transferee may make application to the Registrar to register the transfer, and shall with such application furnish evidence of the transfer and information that would be required by paragraph *(g)* of section thirty-one in an application by the transferee to register such trade mark.

Registration of transfer.

(3) If the Registrar is satisfied that the application meets the requirements of subsection two, he shall register the transfer and if he is not so satisfied he shall give notice to the transferee of his decision refusing the registration.

When transfer incontestable.

(4) A transfer that has been registered shall not be held invalid on the ground that it does not meet the requirements of subsection two except in proceedings instituted not later than three years after the date on which it is registered or the date of the coming into force of this Act, whichever date is the later.

Registered Users.

Registration as user.

50. (1) A person other than the owner of a registered trade mark may be registered as a registered user thereof for all or any of the wares or services for which it is registered.

Effect of permitted use.

(2) The permitted use of a trade mark has the same effect for all purposes of this Act as a use thereof by the registered owner.

Owner may be required to take proceedings.

(3) Subject to any agreement subsisting between the parties, a registered user of a trade mark may call upon the owner thereof to take proceedings for infringement thereof, and, if the owner refuses or neglects to do so within two months after being so called upon the registered user may institute proceedings for infringement in his own name as if he were the owner, making the owner a defendant; but an owner so added as defendant is not liable for any costs unless he takes part in the proceedings.

Application.

(4) At any time after an application for the registration of a trade mark has been filed, an application for the registration of a person as a registered user of the trade mark may be made to the Registrar in writing by such person and by the owner of the trade mark, and the applicants shall furnish the Registrar in writing with

(a) particulars of the relationship, existing or proposed, between them, including particulars of the degree of control by the owner over the permitted use which their relationship will confer;

(*b*) a statement of the wares or services for which registration is proposed;

(*c*) particulars of any conditions or restrictions proposed with respect to the characteristics of the wares or services, to the mode or place of permitted use, or to any other matter;

(*d*) information as to the proposed duration of the permitted use; and

(*e*) such further documents, information or evidence as may be required by the Registrar.

Secrecy.

(5) The Registrar shall, if so required by an applicant under subsection four, take steps to ensure that any document, information or evidence furnished for the purpose of that application, other than matter entered in the register, is not disclosed to any other person except by order of a court.

Registration.

(6) The Registrar may approve and, subject to the registration of the trade mark, may register a person as a registered user of the trade mark for any of the proposed wares or services, subject to any conditions or restrictions that he considers proper, if he is satisfied that in all the circumstances the use of the trade mark in association with such wares or services by the proposed registered user would not be contrary to the public interest; and he shall give notice of the registration to any other registered user of the trade mark.

Time of registration.

(7) A person approved as a registered user of a trade mark shall be registered as such forthwith if the trade mark is registered and, if the trade mark is not registered, then concurrently with its registration.

Effective date.

(8) The registration of a person as a registered user shall be dated and take effect as of the date of the filing of the application for such registration.

Cancellation.

(9) The registration of a person as a registered user of a trade mark may be cancelled,

(*a*) by the Registrar on the application in writing of the registered owner or the registered user of the trade mark; or

(*b*) by the Registrar on his own motion in respect of any wares or services for which the trade mark is no longer registered;

(*c*) by the Exchequer Court of Canada upon the application of any person, of which notice is served upon the registered owner and all registered users, on any of the following grounds:

(i) that the registered user has used the trade mark otherwise than by way of the permitted use, or in such a way as to cause, or to be likely to cause, deception or confusion;

(ii) that the owner or the registered user misrepresented or failed to disclose some fact that if accurately represented or disclosed would have justified the Registrar in refusing the application for registration of the registered user;

(iii) that the circumstances have changed since the date of the registration in such a way that at the date of such application for cancellation they would have justified the Registrar in refusing the application for registration of the registered user;

(iv) that the registration ought not to have been effected having regard to rights vested in the applicant by virtue of a contract in the performance of which he is interested.

Appeal.

(10) In any appeal to the Exchequer Court of Canada, under any provision of this section, the court may exercise any discretion vested in the Registrar.

No right to assign.

(11) Nothing in this section confers on a registered user of a trade mark any assignable or transmissible right to the use of such trade mark.

(12) The Registrar shall not exercise any discretionary power under this section adversely to a person without giving each person who will be affected by the exercise of the power an opportunity of being heard personally or by his agent.

When trade mark not to be held invalid.

51. No trade mark shall be held to be invalid on the ground that it was licensed before the coming into force of this Act if,

(a) the licensing was between related companies;

(b) in any proceeding in the Exchequer Court of Canada, the Court declares that to hold such trade mark valid will not adversely affect any existing right of a party to the proceeding acquired before the coming into force of this Act or be contrary to the public interest; or

(c) an application to register a licensee as a registered user of the trade mark is made within one year after the date on which this Act comes into force and such licensee is so registered.

Legal Proceedings.

Custody of offending wares.

52. (1) Where it is made to appear to the Exchequer Court of Canada or to any superior court that any registered trade mark or any trade name has been applied to any wares that have been imported into Canada or are about to be distributed in Canada in such a manner that the distribution of such wares would be contrary to this Act, or

Sec. 16.

that any indication of a place of origin has been unlawfully applied to any wares, the court may make an order for the interim custody of the wares.

Security.

(2) Before an order is made under subsection one, the plaintiff or petitioner shall be required to furnish security, in such amount as the court may fix, to answer any damages that may by reason of the order be sustained by the owner or consignee of the wares and for any amount that may become chargeable against the wares while they remain in custody under the order.

Lien for charges.

(3) Where, by the judgment in any such action finally determining the legality of the importation or distribution of the wares, their importation or distribution is forbidden, either absolutely or on condition, any lien for charges against them that arose prior to the date of an order made under this section has effect only so far as may be consistent with the due execution of the judgment.

Prohibition of imports.

(4) Where it is made to appear to the Exchequer Court of Canada or to a superior court that any wares or the packages containing them would be deemed to be marked contrary to the provisions of this Act if imported into Canada and that such wares are likely to be imported into Canada, the court may make an order prohibiting the importation of such wares or the future importation of similar wares so marked.

By whom applications made.

(5) Any order under subsections one or three may be made on the application of any person interested either in an action or otherwise and either on notice or *ex parte*.

Power of court to grant relief.

53. Where it is made to appear to the Exchequer Court of Canada or to a superior court that any act has been done contrary to the provisions of this Act, the court may make any such order as the circumstances require including provision for relief by way of injunction and the recovery of damages or profits, and may give directions with respect to the disposition of any offending wares, packages, labels and advertising material and of any dies used in connection therewith.

Evidence.

54. (1) Evidence of any document in the official custody of the Registrar or of any extract therefrom may be given by the production of a copy thereof purporting to be certified to be true by the Registrar.

Idem.

(2) A copy of any entry in the register purporting to be certified to be true by the Registrar is admissible in evidence and is *prima facie* proof of the facts set out therein.

Idem.

(3) A copy of the record of the registration of a trade mark purporting to be certified to be true by the Registrar is admissible in evidence and is *prima facie* proof of the facts set out therein and that the person named therein as

owner is the registered owner of such trade mark for the purposes and within the territorial area therein defined.

(4) A copy of any entry made or documents filed under the authority of any Act relating to trade marks heretofore in force certified under the authority of any such Act is admissible in evidence and has the same probative force as a copy certified by the Registrar under this Act as provided in this section.

Jurisdiction of Exchequer Court.

55. The Exchequer Court of Canada has jurisdiction to entertain any action or proceeding for the enforcement of any of the provisions of this Act or of any right or remedy conferred or defined thereby.

Appeal.

56. (1) An appeal lies to the Exchequer Court of Canada from any decision of the Registrar under this Act within two months from the date upon which notice of the decision was despatched by the Registrar or within such further time as the Court may allow, either before or after the expiry of the two months.

Procedure.

(2) The appeal shall be made by way of notice of appeal filed with the Registrar and in the Exchequer Court of Canada.

Notice to owner.

(3) The appellant shall, within the time limited or allowed by subsection one, send a copy of the notice by registered mail to the registered owner of any trade mark that has been referred to by the Registrar in the decision complained of and to every other person who was entitled to notice of such decision.

Public notice.

(4) The Court may direct that public notice of the hearing of the appeal and of the matters at issue therein be given in such manner as it deems proper.

Additional evidence.

(5) On the appeal evidence in addition to that adduced before the Registrar may be adduced and the Court may exercise any discretion vested in the Registrar.

Exclusive jurisdiction of Exchequer Court.

57. (1) The Exchequer Court of Canada has exclusive original jurisdiction, on the application of the Registrar or of any person interested, to order that any entry in the register be struck out or amended on the ground that at the date of such application the entry as it appears on the register does not accurately express or define the existing rights of the person appearing to be the registered owner of the mark.

Restriction.

(2) No person is entitled to institute under this section any proceeding calling into question any decision given by the Registrar of which such person had express notice and from which he had a right to appeal.

Sec. 56.

Sec. 52.

How proceedings instituted.

58. An application under section fifty-seven shall be made either by the filing in the Exchequer Court of Canada of an originating notice of motion, by counterclaim in an action for the infringement of the trade mark, or by statement of claim in an action claiming additional relief under this Act.

Notice to set forth grounds

59. (1) Where an appeal is taken under section fifty-six by the filing of a notice of appeal, or an application is made under section fifty-seven by the filing of an originating notice of motion, the notice shall set forth the grounds upon which relief is sought.

Reply

(2) Any person upon whom a copy of such notice has been served and who intends to contest the appeal or application, as the case may be, shall file and serve within the prescribed time a reply setting forth the grounds upon which he relies.

Hearing.

(3) The proceedings shall then be heard and determined summarily on evidence adduced by affidavit unless the court otherwise directs, in which event it may order that any procedure permitted by its rules and practice be made available to the parties, including the introduction of oral evidence generally or in respect of one or more issues specified in the order.

Registrar to transmit documents.

60. Subject to subsection one of section fifty, when any appeal or application has been made to the Exchequer Court of Canada under any of the provisions of this Act, the Registrar shall, at the request of any of the parties to such proceedings and the payment of the prescribed fee, transmit to the court all documents on file in his office relating to the matters in question in such proceedings, or copies thereof certified by him.

Appeal to Supreme Court.

61. An appeal lies to the Supreme Court of Canada from any judgment of the Exchequer Court of Canada in any action or proceeding under this Act irrespective of the amount of money, if any, claimed to be involved.

Judgments to be filed.

62. The Registrar of the Exchequer Court of Canada shall file with the Registrar a certified copy of every judgment or order made by the Exchequer Court of Canada or by the Supreme Court of Canada relating to any trade mark on the register.

GENERAL.

Administration.

63. (1) This Act shall be administered by the Secretary of State of Canada.

Registrar.

(2) There shall be a Registrar of Trade Marks, appointed by the Governor in Council, to hold office during pleasure,

Sec. 55.

Sec. 59.

who shall be paid such annual salary as the Governor in Council determines and shall be responsible to the Under Secretary of State.

Acting Registrar.

(3) When the Registrar is absent or unable to act, his duties shall be performed and his powers exercised in the capacity of acting registrar by such other officer as may be designated by the Secretary of State.

Publication of registrations.

64. The Registrar shall cause to be published periodically particulars of the registrations made and extended from time to time under this Act, and shall in such publication give particulars of any rulings made by him that are intended to serve as precedents for the determination of similar questions thereafter arising.

Regulations.

65. The Governor in Council may make regulations for carrying into effect the purposes and provisions of this Act and ,in particular, may make regulations with respect to the following matters:

(a) the form of the register and of the indexes to be maintained pursuant to this Act, and of the entries to be made therein;

(b) the form of applications for registration of trade marks;

(c) the registration of assignments, transmissions, licences, disclaimers, judgments or other documents relating to any trade mark;

(d) the form and contents of certificates of registration; and

(e) requiring the payment of fees to the Registrar and prescribing the amount thereof.

Newfoundland.

66. (1) The registration of a trade mark under the laws of Newfoundland prior to the first day of April, nineteen hundred and forty-nine, has the same force and effect in the Province of Newfoundland as if Newfoundland had not become part of Canada, and all rights and privileges acquired under or by virtue thereof may continue to be exercised or enjoyed in the Province of Newfoundland as if Newfoundland had not become part of Canada.

Idem.

(2) The laws of Newfoundland as they existed immediately prior to the expiration of the thirty-first day of March, nineteen hundred and forty-nine, continue to apply in respect of applications for the registration of trade marks under the laws of Newfoundland pending at that time and any trade marks registered under such applications shall, for the purposes of this section, be deemed to have been registered under the laws of Newfoundland prior to the first day of April, nineteen hundred and forty-nine.

Sec. 58.

Sec. 60.

Sec. 60 *(a)*.

Idem.

67. For the purposes of this Act the use or making known of a trade mark or the use of a trade name in Newfoundland before the first day of April, nineteen hundred and forty-nine, shall not be deemed to be a use or making known of such trade mark or a use of such trade name in Canada before such date.

Transitional and repeal.

68. (1) Any application for the registration of a trade mark received by the Registrar at any time before the day on which this Act comes into force shall be dealt with in accordance with the provisions of *The Unfair Competition Act, 1932*, and any registration made pursuant to any such application shall, for the purposes of this Act, be deemed to have been on the register maintained under *The Unfair Competition Act, 1932*, at the date on which this Act comes into force.

(2) *The Unfair Competition Act, 1932*, sections twenty-two, twenty-four and twenty-five of the *Trade Mark and Design Act*, the *Shop Cards Registration Act, 1938*, and section ten of *An Act to incorporate The Canadian General Council of the Boy Scouts Association*, chapter one hundred and thirty of the statutes of 1914, as enacted by section one of chapter seventy-three of the statutes of 1917, are repealed.

69. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Q[11].

An Act for the relief of Maurice Speyer.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54549

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Q[11].

An Act for the relief of Maurice Speyer.

Preamble.

WHEREAS Maurice Speyer, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, importer, has by his petition alleged that on the third day of January, A.D. 1945, at the city of Burlington, in the state of Vermont, one of the United States of America, he and Grace Lillian Vallance, who was then of the said city of Montreal, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Maurice Speyer and Grace Lillian Vallance, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Maurice Speyer may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Grace Lillian Vallance had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL R[11].

An Act for the relief of Lorraine Souillet Heaven.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55978

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL R[11].

An Act for the relief of Lorraine Souillet Heaven.

Preamble.

WHEREAS Lorraine Souillet Heaven, residing at the city of Montreal, in the province of Quebec, stenographer, wife of George Albert Heaven, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixteenth day of August, A.D. 1947, at the said city, she then being Lorraine Souillet, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lorraine Souillet and George Albert Heaven, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lorraine Souillet may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Albert Heaven had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL S[11].

An Act for the relief of Charlotte Elizabeth Johnston Rawson.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55643

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL S[11].

An Act for the relief of Charlotte Elizabeth Johnston Rawson.

Preamble.

WHEREAS Charlotte Elizabeth Johnston Rawson, residing at the town of Mount Royal, in the province of Quebec, wife of Bernard Anderson Rawson, who is domiciled in Canada and residing at the said town, has by her petition alleged that they were married on the fifth day of February, A.D. 1938, at Shelbyville, in the state of Tennessee, one of the United States of America, she then being Charlotte Elizabeth Johnston, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Charlotte Elizabeth Johnston and Bernard Anderson Rawson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Charlotte Elizabeth Johnston may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Bernard Anderson Rawson had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL T[11].

An Act for the relief of Eleanor Luba Hirschfield Mott.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56641

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL T[11].

An Act for the relief of Eleanor Luba Hirschfield Mott.

Preamble.

WHEREAS Eleanor Luba Hirschfield Mott, residing at the city of Montreal, in the province of Quebec, typist, wife of Sydney Harry Mott, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourth day of March, A.D. 1948, at the said city, she then being Eleanor Luba Hirschfield, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eleanor Luba Hirschfield and Sydney Harry Mott, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eleanor Luba Hirschfield may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Sydney Harry Mott had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL U[11].

An Act for the relief of Marguerite Anne Sweeting Russell.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

51820

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL U[11].

An Act for the relief of Marguerite Anne Sweeting Russell.

Preamble.

WHEREAS Marguerite Anne Sweeting Russell, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Carl Randall Russell, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the third day of July, A.D. 1947, at the city of Nassau, Bahamas, she then being Marguerite Anne Sweeting, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient the the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marguerite Anne Sweeting and Carl Randall Russell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marguerite Anne Sweeting may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Carl Randall Russell had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL V11.

An Act for the relief of Amy Stirling Price.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55994

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL V[11].

An Act for the relief of Amy Stirling Price.

Preamble.

WHEREAS Amy Stirling Price, residing at the town of Pointe Claire, in the province of Quebec, wife of William Herbert Price, who is domiciled in Canada and residing at the said town, has by her petition alleged that they were married on the thirty-first day of August, A.D. 1935, at the town of Oakville, in the province of Ontario, she then being Amy Stirling, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Amy Stirling and William Herbert Price, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Amy Stirling may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Herbert Price had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL W11.

An Act for the relief of Jean Irene Ross Roche.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56234

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL W[11].

An Act for the relief of Jean Irene Ross Roche.

Preamble.

WHEREAS Jean Irene Ross Roche, residing at Bulwell, in the county borough of Nottingham, England, wife of John Keith Roche, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the first day of June, A.D. 1945, at Bulwell aforesaid, she then being Jean Irene Ross, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jean Irene Ross and John Keith Roche, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jean Irene Ross may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Keith Roche had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL X[11].

An Act for the relief of Regina Landry Brouillard.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56475

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL X[11].

An Act for the relief of Regina Landry Brouillard.

Preamble.

WHEREAS Regina Landry Brouillard, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of Henry Bruno Brouillard, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of December, A.D. 1936, at the said city, she then being Regina Landry, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Regina Landry and Henry Bruno Brouillard, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Regina Landry may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry Bruno Brouillard had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Y11.

An Act for the relief of Jean-Paul Malo.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54325

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Y[11].

An Act for the relief of Jean-Paul Malo.

Preamble.

WHEREAS Jean-Paul Malo, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, upholsterer, has by his petition alleged that on the twenty-eighth day of August, A.D. 1940, at the said city, he and Simone Riendeau, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jean-Paul Malo and Simone Riendeau, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jean-Paul Malo may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Simone Riendeau had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Z[11].

An Act for the relief of Robert Arthur Reeve.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56751

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Z[11].

An Act for the relief of Robert Arthur Reeve.

Preamble.

WHEREAS Robert Arthur Reeve, domiciled in Canada and residing at the town of Mount Royal, in the province of Quebec, salesman, has by his petition alleged that on the thirty-first day of July, A.D. 1948, at the city of Montreal, in the said province, he and Poppy Catherine Hayakawa, who was then of the said city, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Robert Arthur Reeve and Poppy Catherine Hayakawa, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Robert Arthur Reeve may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Poppy Catherine Hayakawa had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL A[12].

An Act for the relief of Joyce Mary Barton Vallis.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

59448

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL A[12].

An Act for the relief of Joyce Mary Barton Vallis.

Preamble.

WHEREAS Joyce Mary Barton Vallis, residing at Ville St. Laurent, in the province of Quebec, bookkeeper, wife of Hubert James Vallis, who is domiciled in Canada and residing at Ville La Salle, in the said province, has by her petition alleged that they were married on the eighth day of August, A.D. 1942, at the city of Lachine, in the said province, she then being Joyce Mary Barton, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joyce Mary Barton and Hubert James Vallis, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joyce Mary Barton may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Hubert James Vallis had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL B[12].

An Act for the relief of Lawrence Edward James.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

59444

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL B[12].

An Act for the relief of Lawrence Edward James.

Preamble.

WHEREAS Lawrence Edward James, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, chauffeur, has by his petition alleged that on the second day of August, A.D. 1929, at the city of Kingston, in the province of Ontario, he and Laura Violet Mae Jack, who was then of the said city of Kingston, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lawrence Edward James and Laura Violet Mae Jack, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lawrence Edward James may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Laura Violet Mae Jack had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL C12.

An Act for the relief of Helene Mary Reusing Hutchins.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56495

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL C[12].

An Act for the relief of Helene Mary Reusing Hutchins.

Preamble.

WHEREAS Helene Mary Reusing Hutchins, residing at the city of Montreal, in the province of Quebec, wife of George Ross Hutchins, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighteenth day of June, A.D. 1949, at the said city, she then being Helene Mary Reusing, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Helene Mary Reusing and George Ross Hutchins, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Helene Mary Reusing may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Ross Hutchins had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL D[12].

An Act for the relief of Charles Lewis Lipton.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56747

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL D[12].

An Act for the relief of Charles Lewis Lipton.

Preamble.

WHEREAS Charles Lewis Lipton, domiciled in Canada and residing at the city of Outremont, in the province of Quebec, agent, has by his petition alleged that on the twenty-ninth day of March, A.D. 1947, at the city of Verdun, in the said province, he and Mary Pickering, who was then of the city of Montreal, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Charles Lewis Lipton and Mary Pickering, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Charles Lewis Lipton may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Pickering had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL E[12].

An Act for the relief of Joseph Kovacs.

AS PASSED BY THE SENATE, 16th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

57191

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL E[12].

An Act for the relief of Joseph Kovacs.

Preamble.

WHEREAS Joseph Kovacs, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, labourer, has by his petition alleged that on the twenty-second day of July, A.D. 1944, at the said city, he and Jacqueline Messier, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Kovacs and Jacqueline Messier, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Kovacs may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Jacqueline Messier had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL F12.

An Act to incorporate the Belleville Harbour Commissioners.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

59769

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL F[12].

An Act to incorporate the Belleville Harbour Commissioners.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title.

Short title.

1. This Act may be cited as *The Belleville Harbour Commissioners Act.*

Incorporation.

"Belleville Harbour Commissioners".

2. The commissioners appointed in accordance with this Act are incorporated under the name of "Belleville Harbour Commissioners", hereinafter called "the Corporation".

Interpretation.

Definitions.

3. In this Act,

"by-law". *(a)* "by-law" means any by-law, rule, order or regulation made by the Corporation under this Act;

"commissioner". *(b)* "commissioner" means a member of the Corporation;

"goods". *(c)* "goods" means any movables other than vessels;

"harbour". *(d)* "harbour" means the harbour of Belleville as defined by this Act;

"Minister". *(e)* "Minister" means the Minister of Transport;

"rate". *(f)* "rate" means any rate, toll or duty whatsoever imposed by or under this Act; and

"vessel". *(g)* "vessel" includes any ship, boat, barge, dredge, elevator, scow, any seaplane on the water or any other vessel used or designed to be used in navigation.

Boundaries of harbour.

4. For the purposes of this Act, the harbour of Belleville comprises so much of the waters of the Bay of Quinte as is included in the following boundaries:

Commencing at a point where the boundary between the townships of Sidney and Thurlow intersects the ordinary high water line of the Bay of Quinte, thence easterly along the Bay of Quinte and the Moira River following the high water line to a point at the most southerly extremity of Ox Point, thence on a straight line across the Bay of Quinte to a point on the high water line at the most northerly extremity of Massasauga Point in the township of Ameliasburg, county of Prince Edward, thence in a westerly direction along the high water line of the township of Ameliasburg to a point where the boundary between the townships of Sidney and Thurlow extended across the Bay of Quinte meets the said high water line, thence northerly along the extended boundary between the townships of Sidney and Thurlow to the point of beginning and all water front property, water lots, piers, docks, shores and beaches in or along the said waters; the location of Ox Point and Massasauga Point are those shown on Canadian Hydrographic Chart No. 2069.

Marking limits.

5. The Corporation may erect marks or signs to indicate the limits of the harbour and such marks or signs shall be held to determine, *prima facie*, the said limits.

Commissioners.

Members of Corporation.

6. (1) The Corporation shall consist of three commissioners one of whom shall be the Mayor, for the time being, of the city of Belleville and two of whom shall be appointed by the Governor in Council.

Tenure of appointed members.

(2) Each commissioner appointed by the Governor in Council shall, subject to removal, hold office for three years, and is eligible for reappointment.

Resignation.

7. A commissioner appointed by the Governor in Council may resign his office by sending written notice of his resignation to the Governor in Council.

Oath of office.

8. Before any commissioner enters upon the execution of his duties as commissioner, he shall take and subscribe an oath that he will truly and impartially and to the best of his skill and understanding execute the powers vested in him as a member of the Corporation and such oaths shall be filed on record in the office of the Corporation.

Chairman and quorum.

9. The Corporation shall elect its own chairman and any two commissioners constitute a quorum for the transaction of all business within the jurisdiction of the Corporation.

Remuneration.

10. The chairman and other commissioners may be paid, out of the revenue of the Corporation, such remuneration for their services as the Governor in Council from time to time determines.

Officers and Employees.

Officers and employees and their compensation.

11. The Corporation may appoint a harbour master and employ such other officers, clerks and employees as it deems necessary to carry out the objects and provisions of this Act, may pay them such compensation or salaries as it deems fit and require and take from them such security for the due and faithful performance of their respective duties as it deems necessary.

General Powers.

Jurisdiction within harbour.

12. Subject to the provisions of this Act, the Corporation has jurisdiction within the limits of the harbour, but nothing in this Act gives the Corporation the right to enter upon or deal with any property of Her Majesty, except when authorized to do so by order of the Governor in Council, or gives the Corporation jurisdiction or control over private property or rights within the said limits, except as provided in this Act.

Lawsuits.

13. The Corporation may institute and defend all suits, actions and proceedings in any court respecting the property of the Corporation and the land comprised within the harbour.

Administration of city property.

14. (1) Subject to such terms and conditions as may be agreed upon by the council of the city of Belleville at the time the control thereof is transferred to the Corporation, the Corporation may take, hold, develop and administer, on behalf of the city of Belleville, any property owned by that city in the harbour or in the vicinity of the harbour.

Property.

(2) The Corporation may acquire, expropriate, hold, sell, lease or otherwise dispose of such land, buildings or other property, real or personal, as it deems necessary or desirable for the development, improvement, maintenance and protection of the harbour or for the management, development or control of such property or for any other purposes of this Act and may, in its discretion, invest the proceeds arising therefrom.

Disposal of land acquired from Her Majesty.

(3) Notwithstanding anything in this Act, the Corporation shall not, without the previous consent of the Governor in Council, sell, alienate, mortgage or otherwise dispose of any land acquired by it from Her Majesty in right of Canada.

Regulation and control of water front property.

15. (1) Subject to this Act, the Corporation may regulate and control the use and development of all land and property on the water front within the limits of the harbour and all docks, wharfs, buildings and equipment erected or used in connection therewith, and may, for such purposes, pass by-laws.

Construction, etc.

(2) The Corporation may construct and maintain docks, wharfs, channels, warehouses, cranes or other buildings, equipment and appliances, for use in the carrying on of harbour or transportation business, and may sell, lease or operate the same.

Control of railways.

R.S., c. 170.

(3) Subject to the provisions of the *Railway Act* that are applicable to the exercise of the powers granted by this subsection, the Corporation may,

(a) construct, acquire by purchase, lease or otherwise, maintain and operate railways within the boundaries of the harbour and upon lands owned by or within the jurisdiction of the Corporation;

(b) enter into agreements with any railway company for the maintenance by such company of railways referred to in paragraph *(a)*, and the operation thereof by any motive power, to be maintained and operated at all times in a manner that will afford all other railway companies whose lines reach the harbour the same facilities for traffic as those enjoyed by such company; and

(c) make arrangements with railway companies and navigation companies for facilitating traffic to, from and in the harbour or for making connection between the lines or vessels of such companies and those of the Corporation,

but nothing in this subsection shall be deemed to constitute the Corporation a railway company.

Harbour machinery, etc.

(4) The Corporation may own and operate, by any motive power, any kind of appliance, plant or machinery for the purpose of increasing the usefulness of the harbour or facilitating the traffic therein.

Subject to *Navigable Waters' Protection Act*, R.S.C., c. 140.

(5) Any work undertaken by the Corporation affecting the use of any navigable waters is subject to the *Navigable Waters' Protection Act*.

16. (1) The revenues of the Corporation shall be charged with

(a) the costs of collecting the said revenues;

(b) the expenses incurred in operating, maintaining, administering and managing the harbour, works and

property owned, controlled, administered or managed by the Corporation under this Act;

(c) the interest and other charges incurred in connection with securities issued or money borrowed by the Corporation under this Act, including such provision as the Governor in Council approves for a sinking fund or other means to secure the repayment of such securities issued or money borrowed; and

(d) any other expenses, other than capital expenses, lawfully incurred by the Corporation in carrying out the objects of this Act.

(2) The revenues of the Corporation remaining in a fiscal year after providing for the charges specified in subsection one and such sum for working capital as in the opinion of the Minister is reasonable and necessary for carrying out the objects of the Act shall be paid by the Corporation to the Receiver General within four months after the end of such fiscal year.

EXPROPRIATION.

Expropriation proceedings under the *Railway Act*, R.S.C., c. 170.

17. Where the Corporation desires to acquire any lands for any of the purposes of this Act and is unable to agree with the owner as to the price to be paid therefor, the Corporation may acquire such lands without the consent of the owner and the provisions of the *Railway Act* relating to taking land by railway companies are, *mutatis mutandis*, applicable to the acquisition of such lands by the Corporation, but no proceedings for the expropriation of lands shall be commenced until the consent of the Governor in Council is first obtained.

BORROWING POWERS.

Power to borrow and issue securities.

18. (1) For the purpose of defraying the expenses of constructing, extending and improving the wharfs, structures and other accommodations in the harbour in such manner as the Corporation deems best calculated to facilitate trade and increase the convenience and utility of the harbour, and after first obtaining the approval of the Governor in Council, the Corporation may borrow money in Canada and elsewhere, at such rates of interest as it finds expedient, and may, for such purpose, issue debentures for sums not less than one hundred dollars, payable in not more than forty years, and the debentures may be secured upon the real property vested in or controlled by the Corporation, subject to sections twelve and fourteen.

Principal and interest of loans chargeable against revenue.

(2) The principal and interest of the sums of money that may be borrowed under this section shall be a charge on the revenue arising from the rental and income out of

the management of all property under the jurisdiction of the Corporation and from the rates and penalties imposed by or under this Act for or on account of the harbour.

By-Laws.

By-laws.

19. (1) The Corporation may make by-laws, not inconsistent with this Act or contrary to law, for the following purposes, namely,

(a) to regulate and control navigation and all works and operations within the harbour and to appoint constables and other officials to enforce the by-laws as well as any statute or other law relating to the harbour;

(b) to regulate, control or prohibit building operations within or upon the harbour or excavations, removal or deposit of materials or any other action that would affect in any way the docks, wharfs or channels of the harbour, water front, bed of the harbour or the lands adjacent thereto;

(c) to construct, regulate, operate and maintain railways, elevators, pipes, conduits and other works or appliances upon the docks, wharfs or channels or any part thereof, and to control, regulate or prohibit the erection of towers or poles, the stringing of wires or the use of any machinery that might affect property or business owned, controlled or operated by the Corporation;

(d) to prevent injuries to or encroachments upon any of the channels, harbours, wharfs or waters generally within the limits of the harbour;

(e) to regulate and control the landing and shipping of explosives or inflammable substances;

(f) to maintain order and prevent theft and depredations;

(g) for the imposition and collection of all rates, tolls and penalties imposed by law or under a by-law made under this Act;

(h) for regulating and controlling the operation and use of all canoes, sailing boats, row boats, motor boats and other vessels and craft within the area over which the Corporation has jurisdiction;

(i) to impose penalties, upon summary conviction, in respect of the violation of any of the provisions of this Act or the by-laws of the Corporation, such penalties not to exceed a pecuniary penalty of fifty dollars or imprisonment for a term not exceeding thirty days or, in default of payment of a pecuniary penalty, imprisonment for a term not exceeding sixty days;

(j) for the government of all persons and vessels coming into or using the harbour, including the imposition of rates to be paid upon such vessels and upon goods landed from or shipped on board such vessels or transshipped by water within the harbour, as the Corporation deems advisable according to the use that may be made of the harbour and its works; and

(k) for the doing of everything necessary for the effectual execution of the duties and powers vested in the Corporation.

Confirmation and publication.

(2) No by-law has force or effect until it is confirmed by the Governor in Council and published in the *Canada Gazette* and every by-law shall, at least ten days before it is submitted to the Governor in Council, be served upon the city clerk of the city of Belleville.

Certified copy as evidence.

(3) A copy of a by-law certified by the secretary or a commissioner under the seal of the Corporation shall be admitted as full and sufficient evidence of such by-law in all courts in Canada.

Harbour Rates.

Valuation of goods and *Customs Act*, R.S.C., c. 42.

20. The valuation of goods on which *ad valorem* rates are imposed shall be made according to the provisions of the *Customs Act* as far as they are applicable and the provisions of that Act shall, for the purpose of such valuation, be held to form part of this Act as if embodied herein.

Rates payable by masters, etc.

21. The rates upon the cargoes of all vessels shall be paid by the master or person in charge of the vessel, saving to him such recourse as he may have by law against any other person for the recovery of the sums so paid, but the Corporation may demand and recover the rates from the owners, consignees, agents or shippers of such cargoes if it sees fit to do so.

Commutation of rates.

22. Subject to the approval of the Minister, the Corporation may commute any rates, authorized by this Act to be levied, on such terms and conditions and for such sums of money as the Corporation deems expedient.

Seizure Proceedings.

Seizure and detention of vessels.

23. The Corporation may seize and detain any vessel at any place within the limits of the province of Ontario, where

(a) any sum is due in respect of the vessel for rates or for commutation of rates and is unpaid; or

(b) the master, owner or person in charge of the vessel has violated a provision of this Act or a by-law in force under this Act.

Seizure and detention of goods.

24. The Corporation may seize and detain any goods, where

(a) any sum is due for rates in respect of such goods and is unpaid; or

(b) a provision of this Act or of a by-law in force under this Act has been violated in respect of such goods.

Charges against vessels.

25. (1) Every lawful seizure and detention made under this Act is at the risk, cost and charges of the owner of the vessel or goods seized and all such vessels and goods may be detained until all sums due and penalties incurred together with all proper and reasonable costs and charges incurred in the seizure and detention and the costs of any conviction have been paid in full.

When seizure may be made.

(2) The seizure and detention may take place either at the commencement of any suit, action or proceeding for the recovery of any rates, sums of money due, penalties or damages or pending such suit, action or proceedings or as incident thereto or without the institution of any action or proceedings.

Who may order seizure.

(3) The seizure and detention may be effected upon the order of,

(a) a judge of any court;

(b) a magistrate or justice of the peace having the power of two justices of the peace; or

(c) the collector of customs at the city of Belleville.

Application for and execution.

(4) An order for seizure and detention may be made on the application of the Corporation, its authorized agent or its solicitor, and may be executed by any constable, bailiff or other person entrusted by the Corporation with the execution thereof and such constable, bailiff or other person may take all necessary means and demand all necessary aid to enable him to execute the order.

GENERAL.

Pecuniary dealings with members prohibited.

26. The Corporation shall not have any transactions of a pecuniary nature, either in buying or selling, directly or indirectly, with any member of the Corporation.

Who may administer oaths.

27. Where, by or under this Act, a person is required to take an oath, it may be administered by a commissioner, the secretary of the Corporation, the harbour master or a justice of the peace.

Accounting and reporting.

28. (1) The Corporation shall keep separate accounts of all moneys borrowed, received and expended by it under this Act and shall account therefor annually to the Minister in such form and manner as he may direct.

59769—2

Inspection of books.

(2) All books, accounts, records and documents of the Corporation shall be at all times open for inspection by the Minister or by a person authorized by him.

Limitation.

29. No complaint or information with respect to any violation of this Act or of a by-law in force under this Act shall be made or laid after two years from the time that the matter of the complaint or information arose.

REPEAL.

Repeal.

30. *An Act respecting the Harbour of Belleville, in the Province of Ontario,* chapter thirty-five of the statutes of 1889, is repealed.

COMMENCEMENT.

Coming into force.

31. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL G12.

An Act for the relief of Ann Martha Treglown Goodfellow.

AS PASSED BY THE SENATE, 18th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56491

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL G[12].

An Act for the relief of Ann Martha Treglown Goodfellow.

Preamble.

WHEREAS Ann Martha Treglown Goodfellow, residing at the town of Mount Royal, in the province of Quebec, wife of Charles William Goodfellow, who is domiciled in Canada and residing at the said town, has by her petition alleged that they were married on the seventeenth day of October, A.D. 1942, at the city of Montreal, in the said province, she then being Ann Martha Treglown, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ann Martha Treglown and Charles William Goodfellow, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ann Martha Treglown may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles William Goodfellow had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL H[12].

An Act for the relief of Meryl Elman Kluger Schreiber.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56238

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL H[12].

An Act for the relief of Meryl Elman Kluger Schreiber.

Preamble.

WHEREAS Meryl Elman Kluger Schreiber, residing at the city of Montreal, in the province of Quebec, wife of George Gordon Schreiber, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the ninth day of January, A.D. 1951, at the city of New York, in the state of New York, one of the United States of America, she then being Meryl Elman Kluger, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Meryl Elman Kluger and George Gordon Schreiber, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Meryl Elman Kluger may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Gordon Schreiber had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL I[12].

An Act for the relief of Janusz Juljan Borzecki.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56755

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL I[12].

An Act for the relief of Janusz Juljan Borzecki.

Preamble.

WHEREAS Janusz Juljan Borzecki, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, civil engineer, has by his petition alleged that on the twenty-seventh day of September, A.D. 1947, at Fulham, England, he and Krystyna Isabella Kalinowska, who was then of Fulham aforesaid, a widow, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Janusz Juljan Borzecki and Krystyna Isabella Kalinowska, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Janusz Juljan Borzecki may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Krystyna Isabella Kalinowska had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL J[12].

An Act for the relief of Perley John Walden.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55986

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL J[12].

An Act for the relief of Perley John Walden.

Preamble.

WHEREAS Perley John Walden, domiciled in Canada and residing at the village of Waterville, in the province of Quebec, foreman, has by his petition alleged that on the sixteenth day of December, A.D. 1944, at the town of South Croydon, in the county of Surrey, England, he and Joan Amelia Penfold, who was then of the said town, a widow, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Perley John Walden and Joan Amelia Penfold, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Perley John Walden may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Joan Amelia Penfold had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL K[12].

An Act for the relief of Louis Jules Fabry.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54242

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL K[12].

An Act for the relief of Louis Jules Fabry.

Preamble.

WHEREAS Louis Jules Fabry, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, draughtsman, has by his petition alleged that on the seventeenth day of July, A.D. 1946, at the city of Budapest, Hungary, he and Agnes Marthe Neufeld, who was then of the said city of Budapest, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Louis Jules Fabry and Agnes Marthe Neufeld, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Louis Jules Fabry may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Agnes Marthe Neufeld had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL L[12].

An Act for the relief of Kathleen Anne Bentley Hainsworth.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55147

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL L[12].

An Act for the relief of Kathleen Anne Bentley Hainsworth.

Preamble.

WHEREAS Kathleen Anne Bentley Hainsworth, residing at the city of Montreal, in the province of Quebec, housekeeper, wife of Sam Arthur Hainsworth, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of May, A.D. 1930, at the said city, she then being Kathleen Anne Bentley, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Kathleen Anne Bentley and Sam Arthur Hainsworth, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Kathleen Anne Bentley may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Sam Arthur Hainsworth had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL M12.

An Act for the relief of Ethel McCready Thomas.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA. 1952

59760

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL M[12].

An Act for the relief of Ethel McCready Thomas.

Preamble.

WHEREAS Ethel McCready Thomas, residing at the city of Montreal, in the province of Quebec, secretary, wife of Robert Arthur Thomas, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twentieth day of November, A.D. 1928, at the city of Verdun, in the said province, she then being Ethel McCready, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ethel McCready and Robert Arthur Thomas, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ethel McCready may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert Arthur Thomas had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL N[12].

An Act for the relief of Lois Edith Laffoley Kelly.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56890

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL N[12].

An Act for the relief of Lois Edith Laffoley Kelly.

Preamble.

WHEREAS Lois Edith Laffoley Kelly, residing at the city of Westmount, in the province of Quebec, wife of Robert Gordon Kelly, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-eighth day of February, A.D. 1948, at the town of Lancaster, in the province of Ontario, she then being Lois Edith Laffoley, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lois Edith Laffoley and Robert Gordon Kelly, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lois Edith Laffoley may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert Gordon Kelly had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL O[12].

An Act for the relief of Evelyn Helen Cowell Varrin.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA 1952

59494

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL O[12].

An Act for the relief of Evelyn Helen Cowell Varrin.

Preamble.

WHEREAS Evelyn Helen Cowell Varrin, residing at the city of Montreal, in the province of Quebec, operator, wife of Joseph Edward Edgar Varrin, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the second day of October, A.D. 1943, at the said city, she then being Evelyn Helen Cowell, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Evelyn Helen Cowell and Joseph Edward Edgar Varrin, her husband, is hereby dissolved, and shall be henceforth null and void to all intent and purposes whatsoever.

Right to marry again.

2. The said Evelyn Helen Cowell may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Edward Edgar Varrin had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL P12.

An Act for the relief of Marion Helen Hawes Gordon.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56894

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL P[12].

An Act for the relief of Marion Helen Hawes Gordon.

Preamble.

WHEREAS Marion Helen Hawes Gordon, residing at the village of North Hatley, in the province of Quebec, accountant, wife of Walter Frederick Douglas Gordon, who is domiciled in Canada and residing at the said village, has by her petition alleged that they were married on the twenty-third day of September, A.D. 1942, at the village of Waterville, in the said province, she then being Marion Helen Hawes, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marion Helen Hawes and Walter Frederick Douglas Gordon, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marion Helen Hawes may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Walter Frederick Douglas Gordon had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Q[12].

An Act for the relief of Winnifred Isobel Bassett Yuill.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55899

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Q[12].

An Act for the relief of Winnifred Isobel Bassett Yuill.

Preamble.

WHEREAS Winnifred Isobel Bassett Yuill, residing at the city of Montreal, in the province of Quebec, wife of Lionel Shirley Yuill, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-second day of February, A.D. 1917, at the said city, she then being Winnifred Isobel Bassett, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Winnifred Isobel Bassett and Lionel Shirley Yuill, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Winnifred Isobel Bassett may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Lionel Shirley Yuill had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL R[12].

An Act for the relief of Eileen May Walker Cole.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56878

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL R[12].

An Act for the relief of Eileen May Walker Cole.

Preamble.

WHEREAS Eileen May Walker Cole, residing at the city of Montreal, in the province of Quebec, secretary, wife of James Cole, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-third day of July, A.D. 1949, at the said city, she then being Eileen May Walker, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eileen May Walker and James Cole, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eileen May Walker may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Cole had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL S[12].

An Act for the relief of Frank Ashworth.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

57199

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL S[12].

An Act for the relief of Frank Ashworth.

Preamble.

WHEREAS Frank Ashworth, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, accountant, has by his petition alleged that on the seventh day of August, A.D. 1926, at the said city, he and Mary Reath Allsebrook-Tuck, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Frank Ashworth and Mary Reath Allsebrook-Tuck, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Frank Ashworth may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Reath Allsebrook-Tuck had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL T[12].

An Act for the relief of Margaret Galbraith Hardie McCall.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55635

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL T[12].

An Act for the relief of Margaret Galbraith Hardie McCall.

Preamble.

WHEREAS Margaret Galbraith Hardie McCall, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Christopher Gallacher McCall, who is domiciled in Canada and residing at the city of Longueuil, in the said province, has by her petition alleged that they were married on the seventeenth day of August, A.D. 1946, at the said city of Montreal, she then being Margaret Galbraith Hardie, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Galbraith Hardie and Christopher Gallacher McCall, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Galbraith Hardie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Christopher Gallacher McCall had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL U[12].

An Act for the relief of Goldie Natovitch Molson.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

54004

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL U[12].

An Act for the relief of Goldie Natovitch Molson.

Preamble.

WHEREAS Goldie Natovitch Molson, residing at the city of Montreal, in the province of Quebec, wife of Izzie Molson, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of October, A.D. 1943, at the said city, she then being Goldie Natovitch, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Goldie Natovitch and Izzie Molson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Goldie Natovitch may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Izzie Molson had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL V12.

An Act for the relief of Norma Veronica Besner Roast.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56459

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL V[12].

An Act for the relief of Norma Veronica Besner Roast.

Preamble.

WHEREAS Norma Veronica Besner Roast, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Bruce Fitzgerald Roast, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twentieth day of September, A.D. 1941, at the town of Chatham, in the province of New Brunswick, she then being Norma Veronica Besner, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Norma Veronica Besner and Bruce Fitzgerald Roast, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Norma Veronica Besner may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Bruce Fitzgerald Roast had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL W12.

An Act for the relief of Catherine Anna Regan Herdt.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55410

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL W12.

An Act for the relief of Catherine Anna Regan Herdt.

Preamble.

WHEREAS Catherine Anna Regan Herdt, residing at the city of New York, in the state of New York, one of the United States of America, secretary, wife of John Dugas Herdt, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the eighteenth day of April, A.D. 1923, at the said city of Montreal, she then being Catherine Anna Regan, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Catherine Anna Regan and John Dugas Herdt, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Catherine Anna Regan may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Dugas Herdt had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL X[12].

An Act for the relief of Errol Alexander Edgley.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56487

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL X[12].

An Act for the relief of Errol Alexander Edgley.

Preamble.

WHEREAS Errol Alexander Edgley, domiciled in Canada and residing at the village of Rapides Blancs, in the province of Quebec, foreman, has by his petition alleged that on the second day of November, A.D. 1929, at the city of Montreal, in the province of Quebec, he and Elizabeth Mary Thornton, who was then of the city of Joliette, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Errol Alexander Edgley and Elizabeth Mary Thornton, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Errol Alexander Edgley may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Elizabeth Mary Thornton had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Y12.

An Act for the relief of Marie Marguerite Eugenie Lucie Prevost Lalonde.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

57203

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Y[12].

An Act for the relief of Marie Marguerite Eugenie Lucie Prevost Lalonde.

Preamble.

WHEREAS Marie Marguerite Eugenie Lucie Prevost Lalonde, residing at the city of Montreal, in the province of Quebec, model, wife of Marc Aurele Achille Lalonde, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourth day of November, A.D. 1946, at the said city, she then being Marie Marguerite Eugenie Lucie Prevost, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marie Marguerite Eugenie Lucie Prevost and Marc Aurele Achille Lalonde, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marie Marguerite Eugenie Lucie Prevost may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Marc Aurele Achille Lalonde had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Z[12].

An Act for the relief of Myrtle Meloche Reath.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

59764

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL Z[12].

An Act for the relief of Myrtle Meloche Reath.

Preamble.

WHEREAS Myrtle Meloche Reath, residing at Ville St. Laurent, in the province of Quebec, clerk, wife of James Samuel Reath, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the sixteenth day of March, A.D. 1946, at the said city of Montreal, she then being Myrtle Meloche, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Myrtle Meloche and James Samuel Reath, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Myrtle Meloche may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Samuel Reath had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL A[13].

An Act for the relief of Eileen Margaret Smith Bates.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

56246

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL A[13].

An Act for the relief of Eileen Margaret Smith Bates.

Preamble.

WHEREAS Eileen Margaret Smith Bates, residing at the city of Verdun, in the province of Quebec, cashier, wife of Garnet Campbell Bates, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the ninth day of October, A.D. 1924, at the city of Northampton, in the State of Massachusetts, one of the United States of America, she then being Eileen Margaret Smith, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eileen Margaret Smith and Garnet Campbell Bates, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eileen Margaret Smith may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Garnet Campbell Bates, had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL B[13].

An Act for the relief of Selim Jean Malakie, otherwise known as Solomon Malacket.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

55871

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL B[13].

An Act for the relief of Selim Jean Malakie, otherwise known as Solomon Malacket.

Preamble.

WHEREAS Selim Jean Malakie, otherwise known as Solomon Malacket, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, restaurateur, has by his petition alleged that on the eleventh day of February, A.D. 1928, at the city of Cairo, Egypt, he and Rose Mouammar, otherwise known as Rose Frewa, who was then of the said city of Cairo, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Selim Jean Malakie, otherwise known as Solomon Malacket, and Rose Mouammar, otherwise known as Rose Frewa, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Selim Jean Malakie, otherwise known as Solomon Malacket, may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Rose Mouammar, otherwise known as Rose Frewa had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL C[13].

An Act for the relief of Ruby Lydia Donnelly Champion.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

59490

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL C[13].

An Act for the relief of Ruby Lydia Donnelly Champion.

Preamble.

WHEREAS Ruby Lydia Donnelly Champion, residing at the city of Montreal, in the province of Quebec, wife of Lloyd Rogers Champion, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of July, A.D. 1933, at the city of Helena, in the state of Montana, one of the United States of America, she then being Ruby Lydia Donnelly, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ruby Lydia Donnelly and Lloyd Rogers Champion, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ruby Lydia Donnelly may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Lloyd Rogers Champion had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL D[13].

An Act for the relief of Edna Edith Lily Caron Gourdie.

AS PASSED BY THE SENATE, 19th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

59900

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL D[13].

An Act for the relief of Edna Edith Lily Caron Gourdie.

Preamble.

WHEREAS Edna Edith Lily Caron Gourdie, residing at the city of Montreal, in the province of Quebec, clerk, wife of Richard Gourdie, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of February, A.D. 1945, at the said city, she then being Edna Edith Lily Caron, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edna Edith Lily Caron and Richard Gourdie, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edna Edith Lily Caron may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Richard Gourdie had not been solemnized.

Sixth Session, Twenty-First Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL E[13].

An Act to amend The Eastern Rocky Mountain Forest Conservation Act.

AS PASSED BY THE SENATE, 24th JUNE, 1952.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

59898

6th Session, 21st Parliament, 1 Elizabeth II, 1952.

THE SENATE OF CANADA

BILL E[13].

An Act to amend The Eastern Rocky Mountain Forest Conservation Act.

1947, c. 59.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Agreement approved.

1. The Agreement set out in the Schedule is approved and confirmed.

Eastern Rockies Forest Conservation Board.

2. Notwithstanding sections four and six of *The Eastern Rocky Mountain Forest Conservation Act*, chapter fifty-nine of the statutes of 1947, on and after the first day of April, nineteen hundred and fifty-five,

(a) two members of the Eastern Rockies Forest Conservation Board shall be appointed by the Lieutenant Governor of Alberta in Council, and one member shall be appointed by the Governor in Council,

(b) the Lieutenant Governor of Alberta in Council shall appoint one of the members of the Board to be the Chairman and chief executive officer of the Board, and

(c) the remuneration to be paid to the officers and employees appointed by the Board under subsection three of section six of that Act shall be subject to the approval of the Lieutenant Governor of Alberta in Council.

Explanatory Notes.

Subject to the approval of Parliament, an Agreement has been made with the Province of Alberta, whereby,

(a) the Province will pay the full cost of the annual maintenance programme of the Eastern Rockies Forest Conservation Board for the remaining period of the Agreement, the yearly maximum expenditures therefor being increased to $450,000.00;

(b) the term for the completion of the capital programme is extended one year:

(c) after the completion of the capital programme which is to be completed by March 31st, 1955, the Province will appoint the majority of the Board.

1. Approval of Agreement.

2. Sections 4 and 6 of the *Eastern Rockies Forest Conservation Act* presently read as follows:

"**4.** (1) There is established for the purposes set forth in this Act, a Board to be known as the Eastern Rockies Forest Conservation Board consisting of three members, two of whom shall be appointed by the Governor in Council and one of whom shall be appointed by the Lieutenant Governor of Alberta in Council.

(2) The Governor in Council shall appoint one of the members to be Chairman who shall be the chief executive officer of the Board.

(3) The Board shall be a body corporate and politic and shall have the capacity to contract and to sue and be sued in the name of the Board.

(4) The Governor in Council may at any time and from time to time appoint an alternate member to act in the place and stead of any member appointed by the Governor in Council and the Lieutenant Governor in Council may at any time and from time to time appoint an alternate member to act in the place and stead of any member appointed by the Lieutenant Governor in Council.

(5) Each member and each alternate member shall hold office during the pleasure of the Governor in Council or of the Lieutenant Governor in Council, as the case may be, and any vacancy on the Board shall be filled by the Governor in Council or by the Lieutenant Governor in Council according as the previous appointment to such position was made by the Governor in Council or the Lieutenant Governor in Council.

(6) The members, and alternate members when acting as members, appointed by the Governor in Council shall be paid such salaries as he may fix.

(7) An alternate member of the Board shall have the same powers when so acting as a member of the Board."

"**6.** (1) The purposes or objects of the Board are

(a) to construct, operate and maintain and to supervise the construction, operation and maintenance of projects and facilities required for the conservation of the forests and the protection of the watersheds in the Area;

(b) to protect the forests in the Area from fire, insects, disease and other damage; and

(c) to conserve, develop, maintain and manage the forests in the Area with a view to obtaining the greatest possible flow of water in the Saskatchewan River and its tributaries.

(2) It shall be the duty of the Board and it shall have all the powers necessary to carry out the Agreement set out in the Schedule to this Act.

(3) The Board shall have power to employ and pay such officers or employees and to pay and defray such expenses as it may deem necessary for carrying out the purposes and provisions of the Agreement; the remuneration to be paid such officers or employees shall be subject to the approval of the Governor in Council.

(4) The Board may make by-laws with respect to the calling of meetings of the Board, the quorum and the conduct of business thereat, the duties and conduct of officers and employees of the Board and generally as to the conduct of the affairs of the Board."

SCHEDULE

MEMORANDUM OF AGREEMENT made this 17th day of June, 1952.

BETWEEN The Government of Canada, represented herein by the Honourable Robert Henry Winters, Minister of Resources and Development

OF THE FIRST PART

AND The Government of the Province of Alberta, represented herein by the Honourable Nathan Eldon Tanner, Minister of Lands and Forests

OF THE SECOND PART

The Government of Canada and the Government of the Province of Alberta agree as follows:

1. Subsection one of section four of the Agreement entered into between the Government of Canada and the Province of Alberta on the nineteenth day of June, 1947, and approved and confirmed by chapter fifty-nine of the statutes of Canada, 1947, and by chapter twenty of the statutes of Alberta, 1948, is amended by striking out the expression "six years" wherever it occurs therein and substituting therefor the expression "seven years".

2. Notwithstanding anything in the said Agreement,

(a) as of the first day of April, 1952, and thereafter,

(i) the Board shall formulate annual programmes providing for an expenditure of not more than four hundred and fifty thousand dollars, and not less than two hundred and fifty thousand dollars, for the purposes specified in subsection two of section four of the said Agreement; and

(ii) the total cost of the maintenance and other current expenditures required by the programme formulated by the Board for each year, including the expenditures of the Board, shall be paid by the Government of the Province of Alberta and the Government of Canada shall not make any contribution in respect of such expenditures; and

(b) on and after the first day of April, 1955,

(i) two of the members of the Board shall be appointed by the Lieutenant Governor of Alberta in Council and one member shall be appointed by the Governor General in Council; the Lieutenant Governor of Alberta in Council shall appoint one of the members of the Board to be Chairman;

The portions of the original agreement dated the 19th June, 1947, which are affected by the new Agreement are as follows:

Section 4 which reads:

"**4.** (1) The Board shall be required to formulate programmes for expenditure of a sum not exceeding $6,300,000.00 during the first *six years* of this Agreement for the location and construction of forest improvements, the making of a forest inventory, the reforestation of the said area and such other works and services as it may consider necessary, provided that if the programme for any year is not fully completed during that year the Board may be permitted to carry the uncompleted portion over into the following year, but in any event the total capital expenditure shall be completed within the said period of *six years*.

(2) The Board shall also be required, from time to time, to formulate programmes for the yearly maintenance of a complete protective and forest management service in such area and for research in silviculture and scientific investigations; such programmes shall provide for an annual expenditure of not more than $300,000.00 and not less than $250,000.00 provided, however, that during the period when the capital expenditures are being made and until they are completed the amount of such expenditures, including the cost of administration, in the discretion of the Board, may be less than $250,000.00."

Section 8 which reads:

"**8.** The cost of carrying out programmes formulated by the Board shall be borne by the Dominion and Province as follows:—

(a) the Dominion shall pay all capital expenditures which shall not exceed $6,300,000.00 and shall pay to the Board the amount required to carry out that approved programme;

(b) the Province shall pay the sum of $125,000.00 each year toward the maintenance and other current expenditures required by the programme formulated by the Board for that year, including the expenditures of the Board, and the Dominion shall pay the balance thereof. Should in any year the net revenues derived by the Province from the surface rights in the area exceed the amount of the contribution to be made by the Province, the excess shall be added thereto and to the extent thereof shall increase such contribution. If in any year the net revenues exceed the amount of the annual maintenance and other current expenditures, the excess thereof shall be added to the revenues of the next succeeding year and for the purposes of this Agreement be considered as having been received in that year;

(c) if in any year after the capital expenditures have been completed the Board, with the consent of both the Dominion and Province, formulates a programme for that year requiring an expenditure of less than $250,000.00 for maintenance and other current expenditures, the cost of such programme shall be borne equally by the Dominion and the Province. Provided, however, that if the net revenue exceeds the amount of the contribution of the Province, the contribution of the Dominion shall be reduced accordingly;

(d) when the Board's programme for maintenance and other current expenditures for any year has been submitted to the Province and Dominion, as herein provided, the Dominion will pay to the Board the funds required to carry out such programme."

Subsections (2), (3), (4) and (5) of Section 1 which read:

"(2) The Board shall be a body corporate and shall consist of three members two of whom including the Chairman shall be appointed by the Governor General in Council and one of whom shall be appointed by the Lieutenant Governor of the Province.

(3) Alternate members to act in the place and stead of any member appointed by the Governor General in Council may be appointed by the Governor General in Council and an alternate member to act in place and stead of the member appointed by the Lieutenant Governor in Council may be appointed by the Lieutenant Governor in Council.

(ii) an alternate member to act in the place and stead of the member appointed by the Governor General in Council may be appointed by the Governor General in Council and the alternate members to act in the place and stead of the members appointed by the Lieutenant Governor of Alberta in Council may be appointed by the Lieutenant Governor of Alberta in Council;

(iii) the remuneration and expenses of the member and alternate member appointed by the Governor General in Council, shall be paid by the Government of Canada and the remuneration and expenses of the members and alternate members appointed by the Lieutenant Governor of Alberta in Council, shall be paid by the Government of the Province of Alberta; and

(iv) the remuneration to be paid to all officers and employees engaged by the Board shall be subject to the approval of the Lieutenant Governor of Alberta in Council.

This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta.

Signed on behalf of the Government of Canada by the Honourable Robert Henry Winters, Minister of Resources and Development, in the presence of — Robert H. Winters

Robbins L. Elliott

Signed on behalf of the Government of the Province of Alberta by the Honourable Nathan Eldon Tanner, Minister of Lands and Forests of the said Province, in the presence of — N. E. Tanner

Mary C. Livingstone

(4) Each member and each alternate member shall hold office during the pleasure of the Governor in Council or of the Lieutenant Governor in Council, as the case may be, and any vacancy on the Board shall be filled by the Governor in Council or by the Lieutenant Governor in Council according as the previous appointment to such position was made by the Governor in Council or the Lieutenant Governor in Council.

(5) The remuneration and expenses of the members and alternate members appointed by the Governor General in Council, shall be paid by the Dominion and the remuneration and expenses of the member and alternate member appointed by the Lieutenant Governor in Council, shall be paid by the Province."