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JUSTICES' AND POLICE MANUAL

BY

ARTHUR E. POPPLE, LL.B.,

BARRISTER-AT-LAW

EDMONTON

SECOND EDITION

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PREFACE

TO SECOND EDITION

Numerous expressions of appreciation have been received from those who read *"The Justices' Manual"* in its first issue. The simplicity of the language used therein seems to have met with general approval. In its present form it is a manual alike for both Justices and Constables. Considerable additions have been made including Chapters on Criminal Investigation and Prosecuting Cases in Court. A table of crimes and offences to be found in the Dominion Statutes (including the Criminal Code), has been added. This table should prove exceedingly valuable both to the Justice and to the Constable. I appreciate very much the assistance I have received from magistrates and others in my endeavour to make this work of real practical value.

A. E. P.

Edmonton,
Canada, 1919.

CHANGES IN THE LAW, 1920

Since going to press there has been a session of the Dominion Parliament at which many changes have been made in the existing law. These changes will be found in the Dominion Statutes, 1920, when issued. Single copies, however, can usually be obtained from the King's Printer, Ottawa, at 5 cents a copy. There has also been issued a new office consolidation of the Criminal Code.

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Justices' and Police Manual

CHAPTER I.

Legal and General Information.

Abortion—

1. *Drugs and Instruments.*—The sale of drugs or instruments for the purpose of procuring abortion is prohibited under Code, section 305.

2. *Crimes and Offences.*—A full list of crimes and offences together with the procedure for prosecuting and the penalties which can be imposed, will be found at the end of this volume. [See Table of Offences under Dominion Statutes, title *Abortion.*]

Accessories—

1. *Before and After the Fact.*—Accessories are chargeable in Canada as principals in the first degree under the provisions of section 69 of the Criminal Code in so far as this provision applies. The procedure on indictment of a person charged as being an accessory *after the fact* to any offence under the Criminal Code, is that set out by Code, section 849.

2. *Crimes and Offences.* — [See Table of Offences under Dominion Statutes at end of volume, under title *Accessories.*]

3. *Procedure on Indictment.*—Accessories before the fact and aiders and abettors are charged in Canada as principals in the first degree under the provisions of section 69 of the Criminal Code. Accessories after the fact are proceeded against under section 849 of the Code.

Accomplices—

1. *Nature.*—An accomplice seems to imply one who not only takes an active part but positively aids in the accomplishment or completion of the crime. "Aiders," "abettors," "accessories" and "accomplices," are dealt with by sections 69, 70, 71 of the Code.

2. *Crimes and Offences.*—Accomplices, who are parties to the crime, are prosecuted as principals.

Adjournment—

1. *Summary Convictions.*—A Justice of the Peace can, before or during the hearing of any information or complaint, adjourn the hearing to a time and place agreed upon in the presence and hearing of the parties or their lawyers. No adjournment must exceed eight days. If at the time and place to which the hearing is adjourned, either or both parties do not appear, personally or by a lawyer, the hearing should be further adjourned. Where the prosecutor or complainant does not appear the information may be dismissed with or without costs. Upon an adjournment, the accused may be allowed out on recognizance, with or without sureties, or he may be committed to gaol. If the accused is allowed out on recognizance upon an adjournment, and he fails to appear at the adjourned hearing, the Justice can issue a warrant for his arrest. The eight days of an adjournment should be counted from and exclusive of the day of adjournment. These matters are dealt with by section 722 of the Code.

2. *Preliminary Enquiry.*—A Justice of the Peace holding a preliminary enquiry can adjourn the hearing from time to time, and can change the place of hearing, if from the absence of a witness, the inability of a witness who is ill, to attend at the place where the Justice usually sits or from any other reasonable cause it appears desirable to do so. The accused may be remanded by warrant (Form 17), in the meantime. This remand must not exceed eight days, and it must be remembered that the day following that on which the remand is made is to be counted as the first day. If the remand is for a short period, not exceeding three clear days, no warrant of remand is necessary, and the Justice may verbally order the constable to keep the accused in custody and bring him before him at the time appointed for the hearing. If, however, the Justice wishes to proceed before the expiration of the time for which the accused is remanded, he can do so. The Justice can allow the accused out on recognizance of bail (Form 18), with or without sureties, instead of remanding him in custody, if he wishes to do so. These matters are dealt with in sections 679 (*c*), 680 and 681 of the Code.

3. *Sine Die.*—This is an adjournment without fixing any date for the adjourned hearing. A Justice has no authority to make such an adjournment. The date of the adjourned hearing, also the time and place, should always be settled at the time of adjournment.

Admissibility—

1. *Term.*—This term applies to evidence. It is said that hearsay evidence is inadmissible. There are rules of law respecting the admissibility of evidence and in a particular way relating to: dying declarations, conversations, accomplices' evidence, confidential communications, declarations at time of commission of offence, evidence in rebuttal, and documentary evidence. The question in all cases is, whether the rule has been complied with so as to allow the Court to take them into account, in finding the accused guilty or not guilty, according to the evidence.

Admissions—

1. Any accused person on his trial for any *indictable* offence, or his counsel or solicitor, can admit any *fact* alleged against the accused so as to dispense with proof. This is by virtue of section 978 of the Code.

Adulteration: Food, Drugs, etc.—

1. *Generally.*—There is a law which regulates the adulteration of certain commodities. Standards of quality are fixed, and articles not coming up to the standard, or which are adulterated by the addition of other substances, are not to be sold for public use or consumption. The general law governing adulteration, the procuring of samples for analysis, the use of the words "pure" and "genuine," the seizure of adulterated articles, and the prosecution and punishment for selling same are all dealt with by the *Adulteration Act,* R. S. C. 1906, ch. 133.

Standards of quality are fixed by the Act or by Orders-in-Council, which are published from time to time in the Canada Gazette. These include: Arsenic (Can. Gaz. Vol. xlvi., p. 1411), colouring matter (Can. Gaz. Vol. xlviii., p. 2276, and Vol. cl., p. 3746), meat and meat products (Can. Gaz. Vol. xliv., p. 1206), milk and milk products (Can. Gaz. Vol. xliv., p. 1432), beverages and fruit juices (Can. Gaz. Vol xliv., p. 2596), lime juices (Can. Gaz., xlviii., p. 2432), maple sugar (Can. Gaz., xlv., p. 1706, and the *Adulteration Amendment Act,* 1914, ch. 19, sec. 4), maple syrup (Can. Gaz. xlv., p. 1706), edible vegetable oils (Can. Gaz. xlv., p. 3789), turpentine (Can. Gaz. xlv.. p. 4667), honey (Can. Gaz. xlvi., p. 1303), fruit and fruit products (Can. Gaz. xlvi., p. 1303, and Vol. xlvii., p. 734), canned peas (Can. Gaz., Vol. xlvi., p. 1304), lard (Can. Gaz., Vol. xliv., p. 1206, Vol. xlvi., p. 1304), glucose (Can. Gaz., Vol. xlvi., p. 4130), vinegar (Can. Gaz., Vol. xlvii., p. 2056), sugar (Can.

Gaz., xlviii., p. 466), lime juices and lime fruit juice (Can. Gaz., xlviii., p. 2432), evaporated apples (Can. Gaz., Vol. xlix., p. 3118), flavouring extracts (Can. Gaz. Vol. 1, p. 3574), tea (Can. Gaz., Vol. l., p. 2027), grain products (Can. Gaz., Vol. li., p. 2027), pepper (Can. Gaz., Vol. li., p. 2949), baking powders (Can. Gaz., Vol. li., p. 3131), colouring matter (Can. Gaz., Vol. xlviii., p. 2276, Vol. l., p. 3746). These standards of quality are fixed by the Governor-in-Council under section 26 of the *Adulteration Act*, R. S. C. 1906.

2. *Food.*—This includes every article used for food or drink by man or cattle, and every ingredient intended for mixing with the food or drink of man or cattle for any purpose whatsoever. Food is adulterated whenever:—

1. Any substance has been mixed with it so as to reduce or lower or injuriously affect its quality or strength; 2, any inferior or cheaper substance has been substituted wholly or in part for the article; 3, any valuable constituent of the article has been wholly or in part abstracted; 4, it is an imitation of or is sold under the name of another article; 5, it consists wholly or in part of a diseased or decomposed or putrid or rotten animal or vegetable substance, whether manufactured or not; 6, it contains an added poisonous ingredient or any ingredient which may render such an article injurious to the health of person or cattle consuming it; 7, its strength or purity falls below the standard, or its constituents are present in quantity not within the limits of variability fixed by the Governor-in-Council; 8, it is so coloured, or coated, or polished, or powdered that damage is concealed, or it is made to appear better or of greater value than it really is; 9, in the case of milk or butter, it is the produce of a diseased animal, or of an animal fed upon unwholesome food. It is unlawful for any person to manufacture, sell, expose or offer for sale, any food which is adulterated, except where authorized by Act. This is by virtue of sections 2 (*b*), 3 and 20 of the *Adulteration Act*, R. S. C. 1906, ch. 133, and the *Adulteration Amendment Act*, 1914, ch. 19.

3. *Drugs.*—This includes all medicines for internal or external use, for man or for cattle. A drug is adulterated; 1, Whenever its strength, quality or purity falls below the professed standard under which it is sold; or 2, where offered or exposed for sale under or by a name recognized in the 1898 edition of the British Pharmacopœia, or recognized in any foreign pharmacopœia, such as *Le Codex Medicamentarius*, in France,

or the pharmacopœia of the United States, with the name of such pharmacopœia plainly labelled upon it, or which is not recognized in any pharmacopœia, but is found in some generally recognized standard work on *materia medica* or chemistry whenever it differs from the standard of strength, quality or purity laid down therein. It is unlawful to manufacture, sell, expose or offer for sale, any drug which is adulterated. These matters are regulated by section 2 (*c*), 7 and 20 of the *Adulteration Act*, R. S. C. 1906, ch. 133.

4. *Agricultural Fertilizer.*—This includes every natural or artificial manure containing phosphoric acid, or nitrogen, or potash, except ordinary stable manure. Agricultural fertilizers are of distinct brands. Every brand offered for sale in Canada must be registered, and the registration number affixed to every package sold. An agricultural fertilizer, *sold, offered or exposed for sale* is adulterated: 1. When the chemical analysis shows a deficiency of more than 1 per cent. of any of the chemical substances, the percentages whereof are to be specified in the certificate under the Fertilizers Act, to be produced to the inspector, when in bulk, or affixed to barrels, boxes, sacks or packages, when not in bulk, and 2, when it contains less than the minimum percentage of such substances required by the Fertilizers Act to be contained in the fertilizer. There are, of course, certain fertilizers which are not sold, offered or exposed for sale, but are imported merely for personal use, or made to order, and not intended for sale. The Fertilizers Act does not apply to these. It is unlawful to sell, expose or offer for sale, any agricultural fertilizer which is adulterated. These matters are provided for in the *Adulteration Act*, R. S. C. 1906, ch. 133, sec. 2 (*d*), as amended 1914, sections 6 and 20, and also the *Fertilizers Act*, 1909, ch. 16.

5. *Honey.*—The feeding of bees with sugar, except for the purpose of being consumed by them as food, or with glucose or any sweet substance other than such bees gather from natural sources with the intent that the same shall be used by the bees in the making of honey, is a wilful adulteration of honey. This is provided for by section 5 of the *Adulteration Act*, R. S. C. 1906, ch. 133.

6. *Permitted Adulteration.*—There are certain exemptions and exceptions from the law of adulteration. In the case of food and drugs certain mixtures, not injurious to health, added without fraudulent intent, and required for production or pre-

paration as an article of commerce in a fit state for carriage or consumption, are permitted. They must, however, be distinctly labelled. Articles of food, not injurious to health, mixed as a compound, and sold or offered for sale as such, do not come within the provisions respecting adulteration. They must, however, be properly labelled. Proprietary medicines in the nature of a food or drug supplied in the state required by the specification of the patent, are excepted from Act. It sometimes happens that a food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation, and this is not considered adulteration within the meaning of the Act. Certain other preparations are exempt from the provisions of the *Adulteration Act.*

7. *Alcoholic, fermented, or potable liquors*—The adulteration of these articles is dealt with by sec. 4 (*c.*) of the *Adulteration Act,* R. S. C. 1906, ch. 133. They are deemed adulterated in a manner injurious to health if they contain:—Cocculus indicus, chloride of sodium (common salt), copperas, opium, cayenne pepper, picric acid, salicylic acid, Indian hemp, strychnine, tobacco, darnel seed, extract of logwood, zinc salts, copper or lead, alum, methyl alcohol and its derivatives, amyl alcohol, and any extract or compound of any of these ingredients. This list may be added to by Order-in-Council from time to time.

8. *Maple sugar and syrup.* — The standard of quality for maple sugar, and the use of the word "maple" in connection with the sugar or syrup, is dealt with by section 4 of the *Adulteration Act,* 1914, ch. 19.

9. *Bran, and Shorts, or Middlings.*—These are deemed adulterated if they contain anything that is not a product of wheat, or in the case of corn bran, if it contains anything that is not a product of maize or Indian corn. *Adulteration Amendment Act,* 1919, ch. 4, sec. 1.

Adverse—

1. *Witness.*—As applied to a witness means one who, in the opinion of the presiding Judge, is hostile. A witness is not adverse merely because his evidence is unfortunate to the party calling him. The rule of law which permits a party to contradict his own witness, when adverse, is dealt with in section 9 of the *Canada Evidence Act,* R. S. C. ch. 145.

Advertisements—

1. *Prohibited.*—Certain advertisements are prohibited. These include: 1, Offering reward for return of stolen property (sec.

183); 2, drugs to prevent conception (sec. 207); 3, indecent matter (sec. 207); 4, false statements to promote sales of goods (sec. 406A), and 5, offering counterfeit coin for sale or distribution (sec. 569). This is under the Criminal Code.

Affidavit—

1. *Form.*—An affidavit is a written statement, upon oath, taken before a person duly authorized to administer an oath. As to affidavits made in Alberta, see *Alberta Evidence Act,* 1910, ch. 3.

Affirmation—

1. *Form.*—Persons objecting, from conscientious motives, to be sworn in criminal proceedings are permitted to make, instead, a solemn affirmation, in the following manner: "I solemnly affirm that the evidence to be given by me shall be the truth, the whole truth, and nothing but the truth."

Affray—

1. *Definition.*—An affray is an act of fighting in any public street or highway, or fighting to the alarm of the public in any other place to which the public have access. It will be noted that the fighting must be in public. This is made an indictable offence and punishable with one year's hard labour, under section 100 of the Criminal Code.

Age—

1. *Consent.*—A child under the age of 14 years has no power to consent to any indecent assault upon her person. It is no defence to a charge or indictment for any indecent assault on a young person under the age of 14 to prove that he or she consented to the act of indecency (sec. 294). The words "age of consent" are commonly used to signify that period of time after which consent on the part of injured party takes away the criminal nature of the act, and which otherwise would be an offence, thereby ceases to become so. Thus it is an offence: 1, To carnally know a girl under 14 (sec. 301); 2, to abduct a girl under 16 (sec. 315); 3, to seduce girls of previously chaste character between 14 and 16 (sec. 211), and 4, to seduce any unmarried female of previously chaste character under 21 years of age (sec. 212).

2. *Proof.*—The age of a boy, girl, child or young person for the purposes of sections 211, 215, 242, 243, 245, 294,

301, 302, 315, and 316, is proved *prima facie* by the production of an entry or record by an incorporated society or its officers having had the control or care of the boy, girl, child or young person at or about the time of being brought to Canada, if the entry or record was made before the alleged offence was committed. In the absence of other evidence, or by way of corroboration of other evidence, the Judge, or in jury cases, the jury, or, on preliminary, the Justice of the Peace can infer the age from the appearance of the boy, girl, child or young person. This is by virtue of section 984 of the Code. A certificate of the registration of birth, coupled with evidence of identity, is legal evidence of the age of the person mentioned in it. Proof of actual birth can be given by some one who was present at the birth.

3. *Juvenile Delinquents.*—The age up to which a child can be tried as a juvenile delinquent is the actual or apparent age of 16 years. This is under section 2 of the *Juvenile Delinquents Act,* 1908.

4. *Criminal.*—A child under 7 years of age cannot be convicted of an offence. A child between 7 and 14 can be convicted, if it is shown that he was competent to know the nature and consequence of his conduct and to appreciate that it was wrong. This is under section 17 and 18 of the Code. It is also taken as a fact, no person under 14 years of age can commit rape, under section 298 of the Code.

Agriculture—

1. *Beef and Pork.*—The *Inspection and Sale Act,* R. S. C. 1906, ch. 85 (Part IV.), provides for the inspecting and branding of packages of beef or pork shipped for export. Fees are payable for inspection, and a bill of inspection furnished by the inspector (secs. 181, 182). Standards of quality are fixed by the Act, *e.g.,* beef, mess beef, prime mess beef, prime beef, cargo beef; pork, mess pork, extra prime pork, prime mess pork, prime pork, cargo pork (secs. 187, 188). The quality of salt used in packing is also fixed (sec. 191). Offences and penalties are made for violations of the provisions respecting branding and inspection (secs. 199-203).

2. *Cattle Stealing.*—This is an indictable offence under section 369 of the Criminal Code, punishable with 14 years imprisonment. It must be remembered that "cattle" includes any horse, mule, ass, swine, sheep or goat, as well as any neat cattle or animal of the bovine species (Code sec. 2 (5)). Under

section 350 of the Code, every one commits theft and steals the creature killed, who kills any living creature capable of being stolen with intent to steal the carcass, skin, plumage, or any part of such creature (Code, sec. 350). A duly recorded or registered brand is *prima facie* evidence that the cattle are the property of the registered owner of the brand or mark, and the possession of cattle, with such a brand or mark, by a person not the registered owner, is *prima facie* evidence of theft (Code, sec. 989). There are other offences, respecting cattle, and these include, amongst others: 1, Fraudulently detaining or concealing stray cattle (sec. 392); 2, fraudulently obliterating brands on stray cattle (sec. 392); 3, killing, maiming, poisoning or wounding with intent to destroy or damage cattle or its young (sec. 510B); 4, attempts to injure cattle (sec. 536); 5, threats to injure cattle (sec. 538), and 6, cruelty to animals (secs. 542, 544).

3. *Contagious Diseases.*—The *Animal Contagious Diseases Act*, R. S. C. 1906, ch. 75, was passed with a view to prevent the spread of infectious or contagious diseases among animals. Infectious or contagious disease includes, in addition to other diseases generally so designated, the following: Glanders, farcy maladie du coit, pleuro-pneumonia contagiosa, foot and mouth disease, rinderpest, anthrax, Texas fever, hog cholera, swine plague, mange, scab, rabies, tuberculosis, actinony cosis and variola ovina (sec. 2 (*e*)), Notice of these diseases must be given to the Dominion Department of Agriculture and to the nearest veterinary inspector of that Department. There is a penalty for neglect to notify (sec. 4). The Minister of Agriculture can order diseased cattle to be slaughtered, and compensation as fixed by the Act is usually paid (sec. 7). Infected areas are put under quarantine, and the removal of animals from such places prohibited (sec. 23).

4. *Dairies and Creameries.*—The manufacture and sale of dairy products is regulated by law. This law applies to: 1, Dairies, *i.e.,* places where the milk or cream of less than 50 cows is manufactured into butter, and 2, creameries, *i.e.,* places where the milk or cream of not less than 50 cows is manufactured into butter. Dairy products include milk, cream, condensed milk, milk powder, butter or cheese, or any other articles manufactured from milk, and all imitations. The matters which are the subject of special regulation, include: 1, Classification, marking and branding of butter, cheese and other dairy pro-

ducts; 2, the taking of samples for analysis; 3, the seizure and confiscation of apparatus used in the manufacture or treatment of dairy products contrary to law; 4, the punishment by fine for violations of the law. The manufacture and sale of dairy products such as milk, butter and cheese must be conducted so as not to adulterate the product, or otherwise violate the law as to weight or standard of quality. Persons charged with the enforcement of these laws, have the right to enter the premises to make an examination of the dairy products. In making these examinations it is usual to use a lactometer, or Babcock milk tester, or some other proper or adequate test. All these matters are dealt with by the *Dairy Industry Act,* 1914, ch. 7.

5. *Fertilizers.*—Agricultural fertilizers include every natural or artificial manure containing phosphoric acid or nitrogen, or potash, except ordinary stable manure. When agricultural fertilizers differ either in guaranteed composition, trade mark, name or other characteristic methods of marking, they are considered as distinct brands, and under the present law every brand of fertilizer offered for sale in Canada must bear a registration number. This number is obtained by application, supported by particulars, to the Minister of Inland Revenue. An annual license is also required to be taken out by manufacturers to enable them to sell their fertilizer. The manufactured article is subject to inspection, on request of purchaser, by agricultural fertilizer inspectors. There are, however, certain kinds of fertilizer to which these provisions are not applicable. These include: 1, Fertilizers imported for personal use; 2, fertilizers made to order and not intended for sale. These matters are regulated by the *Fertilizers Act,* 1909.

6. *Grain.*—The *Grain Act,* 1912 (ch. 27), regulates the shipping and sale, under inspection, of grain in Canada. A board of grain commissioners see that the Act is enforced, and they are required to submit to the Minister of Agriculture a report on matters of public interest in connection with the inspection, weighing, storage and transportation of grain (sec. 14). There are several inspection divisions throughout Canada. with one or more inspectors, in each division. The inspectors grade all grain in accordance with the grades defined in the *Grain Act* (secs. 32 and 86). Official standards of grain are obtained each year by taking samples not later than 1st October (secs. 33 and 89). Commercial grades are established where

a considerable portion of the crop of wheat or any other grain (except oats in the west) has, through climatic or other conditions, any marked characteristics which exclude it from the grade to which it belongs (secs. 47 and 87). Disputes as to grading of grain are dealt with by a grain survey board (sec. 55). The provisions regarding sale, fix the weight of a bushel of grain according to a standard set out in section 58 of the Act. Terminal, public and hospital elevators are regulated by the *Grain Act*, secs. 122-149. Country elevators and warehouses are also subject to regulation (sec. 151), and provision is made for settling disagreements as to grade or dockage (secs. 172-175), and for investigation into complaints regarding unjust weights or grades, unreasonable dockage for dirt, improper operation of an elevator (sec. 175). Facilities for helping farmers include the provision of loading platforms and the furnishing of cars for removing the grain (secs. 189-194). Railway companies can be required to construct loading platforms and provide persons to be in charge at flag stations or sidings (sec. 195). Cars are spotted in order of application (secs. 196-8). Commission merchants and track buyers must conform to the provisions of the *Grain Act*. A license is required to be taken out by them and bonds furnished (secs. 210-219). Offences and penalties are imposed for violations of the Act (secs. 236-245).

7. *Commercial Feeding Stuffs.—The Commercial Feeding Stuffs Act*, 1909, (ch. 15), regulates manufacture and sale of feeding stuffs used for agricultural purposes. "Commercial feeding stuff," "feeding stuff," or "feed," means any article offered for sale for the feeding of domestic animals, and feeds claimed to possess medicinal as well as nutritive properties, excepting only hay and straw, roots, the whole seeds, or the mixed or unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat or flax seed; wet brewers' grains; the bran or middlings from either wheat, rye, oats, peas or buckwheat, sold separately and not mixed with other substances (sec. 2 (*b*)). Every brand of commercial feeding stuff offered for sale in Canada must bear a registration number (sec. 5). Brands are considered as distinct when differing either in guaranteed composition, trade mark, name, or other characteristic method of marking (sec. 3). No manufacturer of commercial feeding stuff, nor his agent, can sell or offer for sale a commercial feeding stuff without a license (sec. 9). The provisions of the Act do not, however, apply to:

(1) Feeding stuffs made to order and not for sale unless resold (sec. 14), nor (2) feeding stuff imported for personal use (sec. 13). Purchasers of registered feeding stuffs can obtain an analysis if they so desire (sec. 10). Inspectors are from time to time appointed by the Dominion Government to see that the Act is enforced.

8. *Record Associations.—The Live Stock Pedigree Act,* 1912, (ch. 31), provides for the incorporation of live stock record associations, with the object of keeping a record of pure bred domestic animals (sec. 4). A certificate of incorporation is obtained *by filing* with the Dominion Department of Agriculture, an application, constitution, by-law and rules for regulation of the affairs of the association (secs. 5-10). Not less than five persons can be incorporated as a live stock record association under the Act, and there is not allowed to be incorporated under the Act more than one association for each distinct breed (sec. 9). The corporation, when constituted, has a seal, the liability of its members is limited, and it has certain powers to hold property and to issue notes and bills (secs. 14, 15). The associations may operate in conjunction with the officers appointed under the National Live Stock Record Board.

9. *Shipping Live Stock by Ship.—The Live Stock Shipping Act,* R. S. C. 1906, c. 130, empowers the Governor-in-Council to make rules and regulations for health, security and safe carriage of live stock on ships (sec. 3). Ships, carrying live stock, which are regulated by the Act, include any ship employed in carrying live stock from any port or place in Canada to any port or place out of Canada, not being a port or place in the United States of America, or in Newfoundland, or in St. Pierre or Miquelon, or in Bermuda, or in any of the West Indian Islands, or in Mexico, or in South America (sec. 2 (*e*)). A certificate of an inspector appointed under the Act to enforce this law, must be issued before clearance papers can be given. No officer of customs can grant a clearance to any ship carrying live stock, until he receives the inspector's certificate under section 6 of the Act (sec. 6). This certificate contains particulars respecting: (1) The number of cattle, (2) the arrangements for their carrying, (3) the shelters and fittings, (4) the seaworthiness of the ship, and (5) that the safety and health regulations have been complied with. The sending or attempting to send a ship to sea without having obtained this certificate is an indictable offence, and persons liable can, with the con-

sent of the Minister of Marine and Fisheries, be prosecuted for such violation. It is also an offence to carry a greater number of live stock on board than allowed by certificate. Ships violating the Act can be seized and detained by customs officers (secs. 9-11).

10. *Stockyards and Exchanges.—The Live Stock and Live Stock Products Act,* 1917 (ch. 32), stipulates that there shall be a "live stock exchange," in connection with each "stockyard operated under the Act" (sec. 3). The Act does not apply to every stockyard in existence, but is made applicable to stockyards in operation at the time the Act was passed, by order of the Minister of Agriculture for the Dominion (sec. 8). The Minister of Agriculture may also apply the provisions of the Act to public markets where live stock is purchased or sold (sec. 8 (2)). The effect of applying the Act to stockyards is to place them under the control and regulation of the Department of Agriculture, particularly in reference to: (1) Construction, equipping and operation; (2) investigation of complaints; (3) packing, branding, grading of live stock, meat, poultry, eggs and wool (sec. 9). The by-laws governing the exchange in operation with the stockyard must be approved by the Minister of Agriculture (sec. 4 (1)), and also the tariff of fees and by-laws for operating the stockyard (sec. 7 (1)). The Minister of Agriculture for the Dominion can issue an order closing the stockyard, if not operated in accordance with the Act. Farmers or drovers have still the right to sell their live stock at any stockyard, and neither the Act nor regulations are to be construed as taking this right away. It is expressly reserved (sec. 3 (2)). Special licenses are issued to commission merchants to operate on the stockyard (sec. 5), and unless he holds this license he must become a member of the Stock Exchange before he can operate on the exchange (sec. 3 (1)). "Live stock" to which these provisions apply include neat cattle, sheep and swine, and "live stock products" means meat, poultry, eggs and wool (sec. 2). Penalties increased [1919, ch. 28, sec. 5.]

11. *Hay and Straw.—The Inspection and Sale Act,* R. S. C. 1906 (ch. 85), sec. 342 (1), as amended 1918, ch. 30, sec. 1, provides penalties for putting any foreign matter into any bale of hay or straw, intended for sale, which improperly increases its weight or prejudicially affects the quality (sec. 342) (1)).

Aiding and Abetting—

1. *Aiders and Abettors.*—An aider and abettor is one who is present either: 1. Actually, or 2, constructively. It is to be

noted that under section 69 (*c*) of the Criminal Code, every one is a party to and guilty of an offence, who abets any person in the commission of the offence (Code, sec. 69 (*c*)). It is usual, however, to find that the offence of aiding and abetting is made an offence itself, independently of the principal offence. Thus it is an offence to aid and abet: 1. Suicides (sec. 269); 2, deserters (sec. 82); 3, mutinies (sec. 81); 4, prize fights (sec. 106); 5, escape of prisoners of war, and 6, cock fighting (secs. 542, 543).

Airguns—

1. These are regulated by sections 118-122 of the Criminal Code. It is an offence: 1, To have an airgun in possession without a permit (sec. 118 (*a*); 2, to sell same without recording the sale (sec. 118 (*c*)); 3, to sell same to any person not holding a permit (sec. 118 (*b*)); 4, to sell or give same to a minor under 16 years of age (sec. 119); 5, to have airgun upon the person with intent to injure any one (sec. 121); 6, to point an airgun at any person (sec. 122); 7, to carry or have in possession an airgun when masked or disguised (sec. 123), and 8, to have an air gun on person when arrested (sec. 120).

Air Traffic—

1. *Control.*—The regulation and control of air traffic in Canada has now been placed in the hands of an Air Board. The duties of the Board extend to the supervision of practically all matters connected with aeronautics, and the prescribing of aerial routes in Canada. The powers of the Board include the making of regulations for the licensing of pilots, the registration, identification and inspection of air craft, and generally as to the conditions under which, and places where, aircraft can be used in Canada. These regulations, if violated, can be enforced by fine and imprisonment. *The Air Board Act,* 1919 (ch. 11).

Alien Enemies—

1. *Leaving Canada.*—It is an offence to incite or assist any subject of any foreign state or country at war with His Majesty to leave Canada without the consent of the Crown, unless the person accused can prove that assistance to the enemy was not intended (Code, sec. 75*a*). No alien enemy could leave Canada during the war without an exeat from an alien registrar (O. C. 28th Oct., 1914, see Can. Gaz., 28th Oct., 1914).

2. *Registration.*—During the Great War, 1914-1919, certain regulations were passed by Order-in-Council under the *War Measures Act* (ch. 2), 1914 (2), requiring alien enemies to register. The first Order-in-Council was that of 28th Oct., 1914, and this was amended by O. C., 20th Nov., 1914, O. C. 26th June, 1915, and O. C., 20th Sept., 1916. These orders required the registration of: 1. Every alien of enemy nationality residing or being within any of the cities, towns or places where there were officers of registration, or within 20 miles thereof (clause 4, O. C., 28th Oct., 1914); 2, every alien of enemy nationality residing or being in Canada, who had no permanent place of residence or abode (clause 1, O. C., 25th Sept., 1916).

3. *Report.*—(1) *Non-resident*: Every alien of enemy nationality residing or being in Canada, who had no permanent place of residence or abode in Canada was required to report within 20 days after the publication of P. C. 2194 (O. C., 20th Sept., 1916), in the Canada Gazette (see extra issue of 25th Sept., 1916), to the chief officer of police of the city, town, village, county or district in which such alien of enemy nationality resided or was for the time being. The report included the following particulars: Name, age, place of residence, nationality and occupation. Such alien could be questioned on these particulars, and also as to his cause or purpose of being within Canada. After reporting to the police, a parole card was issued to the alien enemy, if considered safe to be at large. The parole card had to be produced on demand by military or peace officers. The alien enemy could not depart from place of report without permission of police. This permission was endorsed on the parole card on arrival at place the alien enemy reports to the Chief of Police. A monthly report was also required, and the alien enemy reports monthly to the person who issued the parole certificate or to the Chief or Police of the place where he has been permitted to go. The police authorized to issue parole certificates were as follows: Chief officer of police, chief constable or principal officer of any municipality, and in the Provinces of Saskatchewan, Alberta, N.W.T. and Yukon, the principal officer of R.N.W.M.P. where there was no municipal organization, and in Montreal and Winnipeg, the Registrar of Alien Enemies (P. C., 2194; O. C., 20th Sept., 1916; Can. Gaz., extra, 25th Sept., 1916). See P. C. 2465, O.-C., 20th Dec'r, 1919.

(2) *Residents.*—Every alien of enemy nationality residing or being within any of the cities, towns or places where there

were Registration Officers, or within 20 miles, these were required as soon as possible after the publication of a notice proclaiming such city, town or place as one wherein a registry office is to be established, to attend before the Registrar and answer questions as to nationality, age, residence, occupation, family, intention or desire to leave Canada, destination, liability and intention as to military service and otherwise, as required by Registrar. No alien of enemy nationality was permitted to leave Canada without permission in writing (called an Exeat), from a Registrar or Chief Commissioner of Dominion Police. If it appeared to the Registrar that any alien of enemy nationality, who was not permitted to leave Canada, could with public safety be suffered to remain at large, such alien was required to declare whether or not: (1) He desires; and (2) had the means to remain in Canada, and (3) report monthly to Chief of Police of city in the neighbourhood where he was registered. If he agreed to do this the Registrar gave him his liberty; if not he is interned as a prisoner of war. A list was sent by the Registrar of Aliens to the Chief of Police of those aliens of enemy nationality who registered and who had been allowed their liberty. Aliens of enemy nationality coming (subsequent to the proclamation) within the special class were required to register, within 7 days after becoming a resident, with the Registrar of Aliens. (P. C. 2721; O. C., 28th October, 1914; Can. Gaz., extra, 28th Oct., 1914). P. C. 2465—O. C. 20th Dec., 1919.

These regulations have been discontinued since the close of the War. See P. C. 2645—O. C. 20th December, 1919, Can. Gaz., Vol. liii., p. 1929.

4. *Naturalization.*—No alien of enemy nationality, who was registered, could be naturalized unless in addition to other requirements, he produced and filed with his application a duly certified certificate of a Registrar that he registered under the O. C. of 28th October, 1914, and that his application was approved by the Registrar. (P. C., 2721; O. C., 28th Oct., 1914, clause 11; Can. Gaz., extra, 28th Oct., 1914.) Owing to the closing of the registration offices at Sydney, Ottawa, Toronto, Brandon, Regina, Calgary, Victoria, the requirements of said clause 11 as to Registrars' certificates of approval, have been dispensed with. (C. P. 1493; O. C., 26th June, 1915; Can. Gaz., 10th July, 1915).

5. *Deportation of Undesirable Aliens.* *See* DEPORTATION, 3.

Animals—

1. *Contagious Diseases.—The Animal Contagious Diseases Act,* R. S. C. 1906, ch. 75, was passed to prevent the spread of infectious or contagious diseases among animals. "Infectious" or "contagious" diseases include, in addition to other diseases generally so designated, the following: Glanders, farcy, maladie du coit, pleuro-pneumonia contagiosa, foot and mouth disease, rinderpest, anthrax, Texas fever, hog cholera, swine plague, mange, scab, rabies, tuberculosis, actinonycosis, and variola ovina (sec. 2 (*e*)). Notice of these diseases must be given to the Dominion Department of Agriculture, and to the nearest veterinary inspector of that Department. There is a penalty for neglect to notify (sec. 4). The Minister of Agriculture can order diseased cattle to be slaughtered, and compensation, as fixed by the Act, is usually paid (sec. 7). Infected areas are put under quarantine, and the removal of animals from infected areas is prohibited (sec. 23).

2. *Cruelty to Animals.—See* CRUELTY TO ANIMALS.

3. *Stealing Cattle.—See* CATTLE.

Appeals—

1. *Summary Conviction.*—Any person (prosecutor or defendant), who thinks himself aggrieved by any summary conviction or order, or dismissal, may appeal therefrom unless it is otherwise provided in any special Act under which the conviction takes place or the order is made by a Justice of the Peace for the payment of money, or dismissing information or complaint (Code, sec. 749). The Court of Appeal varies in the different provinces, but the procedure upon the appeal is regulated by section 750 of the Code. The appellant gives notice of his intention to appeal by filing in the office of the clerk of court appealed to, a written notice setting forth with reasonable certainty the conviction or order appealed against, and the Court appealed to, within ten days after the conviction or order complained of, and by serving the respondent, and the Justice, who tried the case, each with a copy of the notice of appeal (Code, sec. 750 (*b*)). The appellant remains in custody or gives recognizance (Form 51), to: 1. Appear personally at the Court and prosecute the appeal; 2, abide by the judgment of the Court; and 3, pay costs (if any) awarded (Code 750 (*c*)). There is no further appeal (see Code 752).

2. *Summary Trial.*—There is an appeal from a summary trial of an indictable offence, where the trial is presided over by *two Justices of the Peace sitting together:* (1) trying a case under section 773 (*a*), *i.e.*, theft, or obtaining money or property by false pretences or unlawfully receiving stolen property where the value does not, in the judgment of the magistrate, exceed $10; or (2) trying a case under section 773 (*f*), *i.e.*, with keeping a disorderly house under section 228, or with being an inmate of a common bawdy house under section 229 *a*. This is by virtue of section 797 of the Code. The appeal is from a *conviction*, and the procedure is that under Part xv. for summary conviction cases. There appears to be no appeal in other cases summarily tried unless the case comes within section 1013 of the Code, which provides an appeal from the verdict or judgment of any Court or Judge having jurisdiction in criminal cases or of a Magistrate proceeding under section 777 on the trial of any person for any indictable offence (sec. 1013 (1)). The appeal in the latter case is to the Court of Appeal for the province, and from that Court (if any Judge dissents) to the Supreme Court of Canada (sec. 1013 (3)).

The right of appeal in summary trials is supplemented by other procedure, such as (1) obtaining a reserved case on a question of law, under section 1014; and (2) applying to quash the conviction on *certiorari* under Code sections 1120-1132.

3. *Criminal Appeal.*—An appeal from the verdict or judgment of any Court or Judge having jurisdiction in criminal cases, or Magistrate, under section 777, on the trial of any person for an indictable offence, lies upon the application of such person, if convicted, to the Court of Appeal (Code, sec. 1013). There is a procedure as by way of reserved case, under section 1014, on questions of law, the application being made by prosecutor or accused. If this application for a reserved case is refused there is an appeal from the refusal, under section 1015, by motion to the Court of Appeal, after notice given to the accused or prosecutor as the case may be (Code, sec. 1015). The powers of the Court of Appeal are limited by section 1018, and from their decision (if any Judge dissents) there is an appeal to the Supreme Court of Canada, under section 1013 (3).

This right of appeal on a criminal trial is supplemented by section 1021 which permits any person convicted for any indictable offence to apply for a new trial on the ground that the verdict was against the weight of evidence. This application is

made to the usual Court of Appeal (sec. 1021 (1)). A new trial can also be ordered by the Minister of Justice, under section 1022 of the Code.

Apples—

1. *Packing.*—The law requires that apples shall be packed in accordance with the provisions of the *Inspection and Sale Amendment Act*, 1918, ch. 29. This Act repeals section 325 of the *Inspection and Sale Act*, R. S. C. 1906, c. 85, and re-enacts the same in a new form. The legal dimensions of apple boxes, barrels and crates are set out in section 325. [*Inspection and Sale Amendment Act*, 1918, ch. 29, sec. 1].

Arrest—

1. *Procedure.*—It is the duty of everyone, executing any process or warrant, to have it with him, and to produce it, if required. This is emphatically laid down by section 40 of the Criminal Code of Canada. Furthermore, it is the duty of everyone, arresting another, whether with or without a warrant, to give notice where practicable, of the process or warrant under which he acts, or of the cause of the arrest. Arrest is of two kinds: (1) on warrant, and (2) without a warrant. In either case the arrest should be actual and complete. Once made it should never be relinquished. The constable should not content himself merely with securing the offender, but should actually arrest him, so that, if he escape, or is rescued by others, he or they may be subject to the penalties. To constitute an arrest the party should, if possible, be touched by the constable, who should say, "I am a constable and arrest you for . . . ," or, "In the name of the King, I arrest you," or "You are my prisoner." Bare words will not make an arrest without laying hold of the person, or otherwise confining him. A person will however be considered under arrest if he submits himself by word and action to be in custody, and possibly, where a peace officer comes into a room and tells the party he is arrested, and locks the door. Under section 40 of the Criminal Code of Canada, it is, as has already been said, the duty of a constable to have a warrant with him when making an arrest, and to inform the person arrested of the cause of arrest, and if required, to produce the warrant. All persons are subject to arrest when charged with the commission of a crime, and may be arrested either by day or night, and on Sunday, and anywhere. No place affords protection against the criminal law. The necessity is

that of a proper warrant, or power to arrest, without that warrant. If a prisoner escape he may be retaken, and in immediate pursuit the constable may follow him into any place or any house. If a constable finds that his exertions are insufficient to effect the arrest he ought to warn one or more of the persons present to assist him, and it is an offence under section 167 of the Criminal Code of Canada for any person so called upon, to refuse or neglect to aid a peace officer in arresting offenders. Immediately upon arrest the constable should warn his prisoner in the proper manner, and search him for offensive weapons, or stolen property. In arresting any person the constable should make a note, mental or otherwise, of the circumstances accompanying the proceedings. These notes will frequently be of importance. It is most desirable that the constable should be vigilant to observe and remember all that takes place, and he cannot trust to his memory, but should make a written note at the first available opportunity. These original notes should never be destroyed until the case is concluded.

2. *Arrest on a Warrant.*—A warrant is an authority, under the hand of a Justice of the Peace, or Judge, addressed to some peace officer, to arrest an offender, to be dealt with according to law. All warrants for indictable offences may be executed on Sunday. A constable having received a warrant should proceed with all speed and secrecy to execute it. If it cannot be executed immediately, it should be executed as soon as possible afterwards, He should show his warrant in all cases, and read it if required to do so, but he should never part with its possession, as it may be wanted afterwards for his own justification. The direction of the warrant must be strictly observed or the party executing it will not be justified in his acts. When executed, the warrant should be folded and endorsed with date, hour and place of execution, and signed by the constable. Warrants sometimes are defective and the constable might well look over any warrant handed to him for execution. A warrant to arrest should state: (1) specific offence; (2) time and place of commission of offence; (3) fact that information has been made under oath, and (4) full names of person to be arrested. It should be properly dated and signed by the Justice of the Peace, or Judge issuing the same. Where the name of the accused is not known, there should be inserted in the place left for his name the following words, "person, to be identified." It is of the very essence of a warrant of arrest that it should be so framed

that the constable will know upon reading it whom he is to take, and further that the party upon whom it is executed should know what he is arrested for. It is always advisable when time permits to procure a warrant for the arrest of an offender, as a constable acting under the authority of a warrant is in a better position to follow and arrest the offender than a constable without a warrant. If the warrant is found deficient in any particular, it should not be executed, but should be taken to the Justice who issued it and the defects rectified. If the accused person escape into another province or territory it is necessary that a further endorsement, called "backing the warrant," should be made on the warrant. Although the criminal law extends throughout Canada, yet a warrant of arrest, without being backed, is only good for execution within the boundaries of the jurisdiction where issued. The procedure to adopt in order to make a warrant regular in another province than that in which it was issued, is set out in section 662 of the Criminal Code. The endorsement is made by a Justice having jurisdiction where the accused is, upon proof, on oath, of the constable, as to the signature of the issuing Justice. In the case of fresh pursuit a distance of seven miles into the adjoining territory can be made without having the warrant backed.

3. *Arrest Without a Warrant.*—There is a right, both under the common law, and by statute, to arrest without a warrant in certain cases. A peace officer may arrest without a warrant anyone whom he finds committing any criminal offence. The other cases in which a constable can arrest without a warrant are to be found in section 646 *et seq.*, of the Criminal Code. There are special provisions in regard to: (*a*) Fresh pursuit (sec. 649), (*b*) persons loitering at night (sec. 652), suspected procurers (sec. 652 (*a*)). It is, of course, necessary in the effective administration of justice that peace officers should occasionally effect an arrest in contemplation of a warrant, and generally they would suffer no penalty under the law if the arrest be made for an indictable offence already committed, and the person arrested supposed, upon reasonable grounds, to be the offender. In all such cases there must be very good grounds for making the supposition, and the good judgment and common sense of the constable will in such cases be necessary. The constable will at times receive telegrams asking him to arrest persons suspected of crime. If the telegram comes from outside Canada, then as the case would be one for extradition, the

constable should immediately notify his headquarters, and ascertain any special instructions that may be necessary in such cases. If the telegram is sent within Canada in reference to a crime committed within the boundaries of Canada, then it might be acted upon if coming from a reliable source, such as chiefs of police, sheriffs, etc. In all cases before acting upon a telegram the constable should be assured in his own mind that it is genuine. A mere telegram is not sufficient to hold a person arrested, and some authority, in the nature of a warrant, should be forthcoming, or the person arrested will assuredly be released on *habeas corpus,* if application is made. The constable could lay information, and have a warrant issued, if the facts contained in the telegram are sufficient to give him reasonable and probable cause that a crime has been committed, and the nature of it.

4. *Table of Arrests Without Warrant.* — There are many cases where a constable or other peace officer is authorized by sections 646 to 652 of the Criminal Code, and certain other statutory enactments to arrest *without warrant* any person *who has committed* any of the offences mentioned in this list, or who is *found committing* any offence whatever under the Criminal Code. In addition to this list, there is a right to arrest without warrant under some Dominion Statutes and Orders-in-Council dealing with war measures. A constable should *invariably* obtain a warrant, if at all possible, and should never rely upon the inherent right to arrest without a warrant. An illegal arrest without warrant provides a good action for damages if not justifiable under sections 30, 35 and 36 of the Criminal Code.

TABLE.

Offence and Section.	Authority. Code
Abduction (sec. 313)	Sec. 647
Accessory to murder (sec. 267)	Sec. 647
Accessory to treason (sec. 76)	Sec. 647
Administering, taking or procuring unlawful oaths (secs. 129, 130)	Sec. 647
Arson, setting fires, etc. (secs. 511, 514)	Sec. 647
Assaults—	
On King (sec. 80)	Sec. 647
With intent to rob (sec. 448)	Sec. 647

Attempts—
To commit rape (sec. 300) ..... Sec. 647
To commit suicide (sec. 270) ..... Sec. 647
To damage property by explosives (sec. 112).. Sec. 647
To do bodily harm by explosives (sec. 280) ... Sec. 647
To injure or poison cattle (sec. 536) ..... Sec. 647
To murder (sec. 264) ..... Sec. 647
To wreck (sec. 523) ..... Sec. 647
Being at large while under sentence (sec. 185)..... Sec. 647
Bodily harm by explosives (sec. 279) ..... Sec. 647
Breaches of the peace (sec. 47) ..... Sec. 47 (2)
Breaking prison (sec. 187) ..... Sec. 647
Bringing stolen property into Canada (sec. 398)..... Sec. 647
Burglary—
Burglary, housebreaking, and shop breaking (sec. 457, 461) ..... Sec. 647
Breaking place of worship (secs. 455, 456).... Sec. 647
Being found in dwellinghouse by night (sec. 462) ..... Sec. 647
Being found armed with intent to break dwellinghouse (sec. 463) ..... Sec. 647
Being disguised or in possession of housebreaking instruments (sec. 464) ..... Sec. 647
Cattle—
Stealing cattle (sec. 369) ..... Sec. 647
Injuring or poisoning cattle (sec. 536)..... Sec. 647
Cruelty to animals (sec. 542) ..... Sec. 647
Criminal breach of trust (sec. 390) .... Sec. 647
Concealed weapons, carrying in proclaimed district (609)..... Sec. 609
Counterfeiting—
Bringing into Canada or possessing counterfeit foreign gold or silver coin (sec. 563 (*b*)) ..... Sec. 647
Clipping current coin, possessing clippings (secs. 558, 560) ..... Sec. 647
Counterfeiting seals, stamps, etc. (secs. 472, 479) ..... Sec. 647
Counterfeiting current gold or silver coin (sec. 552) ..... Sec. 647
Counterfeiting foreign copper coin (sec. 563 (*d*)) ..... Sec. 647

Counterfeiting copper coin (sec. 562) .....Sec. 647
Counterfeiting foreign gold and silver coin (sec. 563) . . ..Sec. 647
Exporting counterfeited coin (sec. 555).....Sec. 647
Making coin instruments (sec. 556) .....Sec. 647
Possessing counterfeit current coin (sec. 561).Sec. 647
Uttering counterfeit copper coin, not current (sec. 567) .....Sec. 647
Cruelty to animals (sec. 542) .....Sec. 647
Criminal Code Offences—
Any offence under Criminal Code where person *found committing* same .....Sec. 648
Any of the offences set out in sections 646 or 647 of Code where the person *has committed* same .....Secs. 646-7
Any offence where the person is believed to have committed an offence under the Code, and is escaping therefrom and being freshly pursued. . .....Sec. 649
Dams—
Blocking timber channel (sec. 525) .....Sec. 647
Injuring dam (sec. 525) .....Sec. 647
Defiling children (sec. 301) .....Sec. 647
Demanding—
By threatening letters (sec. 451) .....Sec. 647
With intent to steal (sec. 452) .....Sec. 647
Destroying, cancelling or obliterating—
Any title deeds (sec. 396) .....Sec. 647
Disorderly houses, persons found in (secs. 228, 235, 236)Sec. 641
Election documents, theft (sec. 367) .....Sec. 647
Endangering persons on railways (secs. 282, 283).....Sec. 647
Escapes (secs. 189, 190) .....Sec. 647
Explosives—
Attempting to damage property by explosives (sec. 112) .....Sec. 647
Attempting to do injury to person by explosives (secs. 279-280) .....Sec. 647
Injuring persons by explosives (secs. 279, 280)Sec. 647
Extortion, by threats (sec. 453) .....Sec. 647
False Pretences—
Obtaining by false pretences (sec. 405).....Sec. 647
Obtaining execution of valuable security by false pretences (sec. 406) .....Sec. 647

Falsifying registers (sec. 480) .....Sec. 647
Forcibly compelling execution of documents (sec. 450)..Sec. 647
Forgery—
Forgery (secs. 468-470) .....Sec. 647
Making, having, or using instruments for forgery (sec. 471) .....Sec. 647
Possessing forged bank notes (sec. 550) .....Sec. 647
Using probate obtained by forgery (sec. 478).Sec. 647
Uttering forged documents (sec. 467).....Sec. 647
Found committing, persons (sec. 648) .....Sec. 648

"Found committing." This has been held to mean either seeing the party actually committing the offence or pursuing him immediately after he has been seen committing; so that to justify the arrest without warrant, of an offender on the ground of his being "found committing" an offence, he must be taken in the very act of committing it, or there must be fresh and continuous pursuit of him from his being seen and surprised in the act until his actual capture, that the finding him in the act, and his subsequent pursuit and capture may be considered to constitute one transaction. "Immediately" means immediately after the *commission* of the offence, and not immediately after the *discovery* of its commission. [See *R.* v. *Curran*, 3 C. & P. 397; *Hanway* v. *Boulthee*, 1 M. & R. 15; *R.* v. *Phelps*, C. & M. 180; *Downing* v. *Capel*, L. R. 2 C. P. 461, and *Leete* v. *Hart*, 37 L. J. C. P. 157.

Having committed certain offences, persons (secs. 646-647) .....Secs. 646-647
Housebreaking, etc.—
Being in possession of housebreaking instruments (sec. 464) .....Sec. 647
Burglary, house and shop breaking (secs. 457-461) .....Sec. 647
Breaking place of worship (sec. 455-456)....Sec. 647
Being found in dwellinghouse by night (sec. 462) .....Sec. 647
Being found armed with intent to break dwellinghouse (sec. 463) .....Sec. 647
Being disguised or in possession of housebreaking instruments (sec. 464) .....Sec. 647
Stealing in dwellinghouses (sec. 380) .....Sec. 647
Inciting to mutiny (sec. 81) .....Sec. 647
Illegally obtaining or communicating information respecting forts, etc. (secs. 85, 86) .....Sec. 647
Injuring—
Electric telegraphs (sec. 521) .....Sec. 647
Persons by explosives (secs. 279-280).....Sec. 647
Interfering with marine signals (sec. 526) .....Sec. 647

Levying war, (sec. 77) ..... Sec. 647
Loitering, or sleeping out, and being suspected of having committed or about to commit an indictable offence (sec. 652) ..... Sec. 647
Licensed convicts suspected of having committed any offence or living by dishonest means (sec. 12)..... R. S. C. 1906, ch. 150, sec. 12
Manslaughter (sec. 268) ..... Sec. 647
Marine signals, interfering with (sec. 526) ..... Sec. 647
Mischief—
To articles enumerated in sec. 510 (sec. 510).. Sec. 647
To electric light plant (sec. 521) ..... Sec. 647
To mines (sec. 520) ..... Sec. 647
On railways (secs. 517-519) ..... Sec. 647
Murder—
Accessory to murder (sec. 267) ..... Sec. 647
Attempt to murder (sec. 264) ..... Sec. 647
Murder (sec. 263) ..... Sec. 647
Oaths, unlawful (secs. 129, 130) ..... Sec. 647
Persons—
Breaking the peace, or about to join in and renew such breach (sec. 47) ..... Sec. 47 (2)
Being at large while under sentence (sec. 185). Sec. 647
Believed to have committed any offence under the Criminal Code and to be escaping therefrom, and being freshly pursued (sec. 649) ..... Sec. 649
Found committing any offence under the Criminal Code (sec. 648) ..... Sec. 648
Found lying or loitering in any highway, yard or other place during the night *and suspected* of having committed or being about to commit any indictable offence (sec. 652) Sec. 652
Having committed any one or more of the offences set out in Code, sections 646-647) Sec. 647
Suspected of having committed or being about to commit any offence under section 216 respecting procuring women or girls (sec. 652 (*a*)) ..... Sec. 652 (*a*)
Personation (sec. 410) ..... Sec. 647
Piracy (sec. 137) ..... Sec. 647
Piracy with violence (sec. 139) ..... Sec. 647

Piratical acts (sec. 138) ..... Sec. 647
Post Office—
Stopping mail (sec. 449) ..... Sec. 647
Theft of postal matter (secs. 364-366) ..... Sec. 647
Prize fights, persons about to engage in as principals in a prize fight (sec. 627) ..... Sec. 627
Procurers, suspected (sec. 652 (*a*)) ..... Sec. 652 (*a*)
Public servants refusing to deliver up chattels (sec. 391). Sec. 647
Railways—
Endangering persons on railways (secs. 282-3) Sec. 647
Stealing on railways (sec. 384) ..... Sec. 647
Stealing railway tickets (sec. 368) ..... Sec. 647
Rape—
Attempt to commit rape (sec. 300) ..... Sec. 647
Defiling children under 14 (sec. 301) ..... Sec. 647
Rape (sec. 299) ..... Sec. 647
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Arson—

1. This is the unlawful act of wilfully setting fire to: 1, Any building or structure, whether such building or structure is complete or not; 2, any stack of vegetable produce, or of mineral or vegetable fuel; 3, any mine or well of oil or other combustible substance; 4, any ship or vessel, whether completed or not; 5, any timber or materials placed in any shipyard for building or repairing or fitting out any ship; or 6, to any of His Majesty's stores or munitions of war. (Code, sec. 511). It is also an offence to attempt to commit arson (Code, sec. 512). The word "wilfully" includes cases where any person causes any event by an act which he knew would probably cause it, being reckless whether such event happens or not (Code, sec. 509).

Ashes—

1. *Inspection and Sale.* — *The Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part VI. (secs. 224-237), deals with the inspection and sale of pot and pearl ashes. Inspectors of ashes are appointed to properly inspect same, classify, weigh, brand, and otherwise see that the Act is carried out. The export of pot or pearl ashes not inspected, which are not branded or marked as required by the Act, or which are falsely marked, is prohibited under penalty (sec. 237).

2. *Dumping Ashes.*—This Act prohibits, under penalty, the dumping overboard of coal ashes in any river, harbour or roadstead, or any water where fishing is carried on (see sec. 75). *The Fisheries (Consolidation) Act,* 1914.

Assault—

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

2. *Classification.*—Assaults are either: 1, Common (sec. 291); 2, indecent (sec. 292); 3, indecent on males (sec. 293); 4, aggravated on female (sec. 296); 5, with bodily harm (sec. 295); 6, with intent (sec. 296 (*a*)).

3. *Provoked.*—A person who has without justification assaulted another or has provoked an assault from that other, may nevertheless justify force subsequently to such assault if he uses such force under reasonable apprehension of death or grievous bodily harm from the violence of the person first assaulted or provoked, and in the belief on reasonable grounds that it is necessary for his own preservation from death or grievous bodily harm if he did not commence the assault with intent to kill or do grievous bodily harm, and did not endeavour at any time before the necessity for preserving himself arose, to kill or do grievous bodily harm, and if before such necessity arose he declined further conflict, and quitted or retreated from it as far as practicable. "Provocation" may be given by blows, words or gestures (Code, sec. 54 (2)).

4. *Unprovoked.*—Everyone unlawfully assaulted, not having provoked such assault, is justified in repelling force by force, if

the force he uses is not meant to cause death or grievous bodily harm, and is no more than is necessary for the purpose of self defence (Code, sec. 53 (1)). Every one so assaulted is justified, though he causes death or grievous bodily harm, if he causes it under reasonable apprehension of death or grievous bodily harm from the violence with which the assault was originally made, or with which the assailant pursues his purpose, and if he believes, on reasonable grounds, that he cannot otherwise preserve himself from death or grievous bodily harm (Code, sec. 53 (2)). It must be remembered that provocation may be given by blows, words or gestures (Code, sec. 54 (2)).

5. *Insults.*—Everyone is justified in using force in defence of his own person, or that of any one under his protection from an assault accompanied with insult, if he uses no more force than is necessary to prevent such assault or the repetition of it (Code, sec. 55 (1)). It must be remembered, however, that this does not justify the wilful infliction of any hurt or mischief disproportionate to the insult which the force used was intended to prevent (Code, sec. 55 (2)).

6. *Trespassers.*—Everyone who is in peaceable possession of any moveable property or thing and everyone lawfully assisting him is justified in resisting the taking of such thing by any trespasser, or in retaking it from such trespasser, if in either case he does not strike or do bodily harm to such trespasser (Code, sec. 56 (1)). If after any one, being in such peaceable possession, has laid hands upon any such thing, such trespasser persists in attempting to keep it or to take it from the possessor, or from any one lawfully assisting him, the trespasser is considered as having committed an assault without justification or provocation (Code, sec. 56 (2)). In the cases of any house or land, everyone is justified in peaceably entering in the daytime to take possession of such house or land to the possession of which he or some person under whose authority he acts, is lawfully entitled. If, therefore, any person, not having or acting under the authority of one having peaceable possession of such house or land with a claim of right, assaults any one so peaceably entering, the assault when made for the purpose of making him desist from such entry, is considered as being without justification or provocation (Code, sec. 62). It must be remembered, however, that if any person having peaceable possession of such house or land, with a claim of right, or any person acting by his authority, assaults anyone so entering,

such assault is considered as being provoked by the person entering (Code, sec. 62 (3)).

7. *Trials for Common Assault.*—Whenever any person is charged with common assault, any Justice of the Peace can summarily hear and determine the charge. If he finds that the assault complained of has been accompanied by an attempt to commit some other indictable offence, or is of the opinion that the same is from any other circumstance, a fit subject for prosecution by indictment, he must abstain from adjudication and deal with it as though he had no authority to finally hear and determine the matter; *e.g.*, he can hold a preliminary enquiry (Code, sec. 732).

8. *Certificate of Dismissal.*—Where a Justice of the Peace trying a case of assault or battery upon the merits, and the information is laid by or on behalf of the person aggrieved, deems the offence not to be proved, or finds the assault or battery to have been justified, or so trifling as not to merit any punishment, he must dismiss the complaint and forthwith make out a certificate under his hand stating the fact of the dismissal, and deliver it to the person against whom the complaint was preferred (Code, sec. 733).

9. *Civil Actions.*—If the person against whom any information is laid, by or on behalf of the person aggrieved, for a common assault, obtains a certificate under section 733 of the Code, or having been convicted, pays the whole amount adjudged to be paid, or suffers the imprisonment, he is thereby released from all further or other proceedings civil or criminal for the same cause (Code, sec. 734).

Attempts—

1. *Definition.*—Everyone who, having an intent to commit an offence, does or omits any act for the purpose of accomplishing his object, is guilty of an attempt to commit the offence intended whether under the circumstances it was possible to commit such offence or not (Code, sec. 72 (1)). It must be remembered, however, that the question whether the act done or omitted with intent to commit the offence, is or is not only preparation for the commission of that offence, and too remote to constitute an attempt to commit it, is a question of law (Code, sec. 72 (2)).

2. *Classification.*—It is unlawful to attempt to: 1, Induce taking of an unlawful oath (Code, secs. 129, 130); 2, break prison (Code, sec. 188); 3, influence vote of member of muni-

cipal council (Code, sec. 161 (*e*)); 4, obstruct course of justice (Code, sec. 180 (*d*)); sodomy (Code, sec. 203); 6, acts of gross indecency (Code, sec. 206); 7, procure girl for unlawful carnal knowledge (Code, sec. 216); 8, obtain money by gambling in public conveyances (Code, sec. 234); 9, murder (Code, sec. 264); 10, suicide (Code, sec. 270); 11, cause bodily injuries by explosives (Code, sec. 280); 12, destroy property with explosives (Code, sec. 112); 13, rape (Code, sec. 300); 14, carnal knowledge of children under 14 (Code, sec. 301); 15, arson (Code, sec. 512); 16, set fire to crops (Code, sec. 514); 17, injure telegraphs, telephones or fire alarms (Code, sec. 521 (2)); 18, wreck ships (Code, sec. 523); 19, obtain money by forged instruments (Code, sec. 478; 20, use forged documents (Code, sec. 467); 21, injure or poison cattle (Code, sec. 536); 22, commit serious indictable offences (Code, secs. 570, 571); 23, commit certain statutory offences (Code, sec. 572).

3. *Attempt Charged—Full Offence Proved.*—When an attempt to commit an offence is charged, but the evidence establishes the commission of the full offence, the accused is not entitled to be acquitted. The jury can convict him of the attempt, unless the Court before which such trial is had thinks fit in its discretion to discharge the jury from giving any verdict upon such trial, and to direct such person to be indicted for the complete offence (Code, sec. 950). It must be remembered that after a *conviction* for such attempt the accused cannot be tried again for the offence which he was charged with attempting to commit (Code, sec. 950 (2)).

4. *Full Offence Charged—Attempt Proved.*—When 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 such attempt and punished accordingly (Code, sec. 949).

Attorney-General—

1. *Definition.*—Where the word "Attorney-General" is used in the Criminal Code it means the Attorney-General or Solicitor-General of any province in Canada, in which any proceedings are taken under the Code, and with respect to the N.W.T. and the Yukon Territory, it means the Attorney-General of Canada (Code, sec. 2 (2)).

2. *Consent.*—There are certain prosecutions which require the consent of the Attorney-General of Canada. These are: 1, Judicial corruption (Code, sec. 593). There are certain

other prosecutions in which the consent of the Attorney-General for the province is sufficient. These are: 1, Disclosing official secrets (Code, sec. 592); 2, making explosive substances (Code, sec. 594); 3, criminal breach of trust (Code, sec. 596); 4, fraudulent acts of vendor or mortgagor (Code, sec. 597); 5, uttering defaced coin (Code, sec. 598).

3. *Stay of Proceedings.*—The Attorney-General can at any time after an indictment has been found, against any person, for any offence and before judgment is given thereon, direct the officer of the Court to make on the record an entry that the proceedings are stayed by his direction, and on such entry being made all the proceedings are stayed accordingly (Code, sec. 962 (1)). The authority given to the Attorney-General can be delegated by him in any particular court to any counsel nominated by him (Code, sec. 962 (2)).

4. *Right of Reply.*—The right of reply in any criminal case is expressly allowed to the Attorney-General or Solicitor-General or to any counsel acting on behalf of either of them (Code, sec. 944 (3)).

Autrefois Acquit and Autrefois Convict—

1. *Plea.*—A plea of *autrefois acquit* and that of *autrefois convict* is a special plea in a criminal case. The usual pleas in criminal cases are those of "guilty" or "not guilty." In addition to these general pleas there are certain special ones which include the pleas of *autrefois acquit* and *autrefois convict.* In order to sustain a plea of *autrefois acquit* or *autrefois convict,* it must be proved that the accused was previously acquitted or convicted of the same offence as that which he is charged in the indictment to which he so pleads, or that he was either acquitted or convicted of an offence of which he might be convicted upon the indictment in question. The accused must actually have been put in jeopardy upon the former occasion so pleaded, and there must therefore have been an actual conviction or acquittal after trial (see Criminal Code, sec. 905).

Automatic Vending Machines—

1. *Selling Tobacco.*—If, on complaint to a Justice it is established to his satisfaction that an automatic machine for the sale of cigarettes, cigars or tobacco in any form, kept on any premises, is being used by persons under the age of 16 years, the Justice may order the person on whose premises the machine

is kept to take such precautions to prevent its being so used as are specified in the order, or, if necessary, to remove the machine within a specified time. Every person is guilty of an offence, and liable on summary conviction to a penalty not exceeding $25, and to a further penalty not exceeding $5 for each day during which the offence continues, who refuses, fails or neglects to carry out the directions of any such order. Any person upon whose premises there is any such machine may himself or by his agent seize any cigarettes, cigars or tobacco obtained from such machine and in the possession of any person apparently under 16 years using such machine or smoking or about to smoke such cigarettes, cigars or tobacco. [*The Tobacco Restraint Act*, 1908, ch. 73, sec. 4.]

Automobiles—

1. *Unlawful Use, and Theft.*—Everyone who takes or causes to be taken from a garage, stable, stand, or other building or place any automobile or motor car with intent to operate or drive or use or cause or permit the same to be *operated or driven or used without the consent of the owner*, is liable on summary conviction to a fine of $500 and costs or 12 months' imprisonment or both. [*Criminal Code*, sec. 285 B.] Every one is guilty of an indictable offence and liable to imprisonment for any term not exceeding two years and not less than one year, who *steals* any automobile or motor car, and the provisions of sec. 1035 do not apply or extend to any person convicted therefor. [*Criminal Code*, sec. 377 A as added, 1919 ch. 46, sec. 9.]

2. *Furious Driving.*—Everyone is guilty of an indictable offence and liable to 2 years' imprisonment who, having the charge of any motor vehicle or automobile, by wanton or furious driving or racing or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person. [*Criminal Code*, sec. 285.]

3. *Stopping after Accidents.*—Whenever, owing to the presence of a motor car on the highway, an accident has occurred to any person or to any horse or vehicle in charge of any person, any person driving the motor car shall be liable on summary conviction to a fine not exceeding $50 and costs or to imprisonment for a term not exceeding 30 days if he fails to stop his car and with intent to escape liability, either civil or criminal, drives on without tendering assistance and giving his name and address. [*Criminal Code*, sec. 285 A.]

4. *Registration.*—In each of the provinces of Canada the

motor vehicles are required to be registered, and a license is issued to the owner or other person registering the same. Chauffeurs are usually required to take out a license. Rules and regulations for operation of motor vehicles vary in the different provinces, being regulated by provincial law, and Orders-in-Council made thereunder, and also by local police regulations and municipal by-laws.

Backing Warrants—

1. *Procedure.*—Where a warrant granted in one jurisdiction is required to be accepted in another, as where a felony has been committed in one province, and the offender is in another province, then on proof of the handwriting of the Justice who granted the warrant, a Justice in such province where the accused is, endorses or writes his name on the back of it, and then gives authority to execute the warrant in such other province. The provisions of the Criminal Code respecting such procedure is, with regard to indictable offences, contained in section 662, and with regard to summary matters, in section 712, and with regard to warrants of distress, section 743, and with regard to fugitive offenders, section 9 of the *Fugitive Offenders Act.*

Badger-Baiting—*See* CRUELTY TO ANIMALS, 3.

Bail—

1. *Procedure.*—This is the setting at liberty of a person arrested, or imprisoned, on security being taken for his appearance on a day and place certain, which security is called bail, because the party arrested or imprisoned is delivered into the hands of those who bind themselves or become bail for his due appearance, when required, in order that he may be safely protected from prison, to which they have, if they fear his escape, the legal power to deliver him.

Banks—

1. *Incorporation and Organization.—The Bank Act,* 1913, ch. 9, regulates and controls the incorporation and organization of banks in Canada.

Bankers—

Private.—There appears to be no statutory definition of the word "banker." Under the Criminal Code, however, it is interpreted to include any director of any incorporated bank or banking company (Code, sec. 2 (3). It is an offence under the

Bank Act, 1913, ch. 9, sec. 156 (2), to use the word "banker" or "private banker" for business purposes unless such persons come within the provisions of the *Bank Act*.

Bank Notes—

1. *Definition.*—For the purposes of the Criminal Code of Canada, "bank notes" include negotiable instruments issued by or on behalf of any person, body corporate or company carrying on the business of banking in any part of the world or issued by the authority of the Parliament of Canada or any Governor or other authority lawfully authorized thereto in any of His Majesty's Dominions or by the authority of any foreign prince, or state or government, and intended to be used as equivalent to money, either immediately upon their issue or at some time subsequent thereto, and all bank bills and bank post bills. [Code, sec. 2 (4).]

2. *Issue and Circulation.*—This is regulated by the *Bank Act*, 1913, ch. 9, secs. 61-75.

3. *Crimes and Offences.*—There are the following crimes and offences in respect to bank notes:—(1) Purchasing, receiving or possessing forged bank notes (Code, 550); (2) Printing circulars in the likeness of bank notes (Code, 551); (3) Defacing bank notes (*Bank Act*, 1913, sec. 137 (1)); (4) Issuing bank notes not disinfected or without being sterilized (*Bank Act*, 1913, sec. 137 (2)); (5) Banks issuing notes during suspension (*Bank Act*, 1913, sec. 138); (6) Bank officials pledging bank notes (*Bank Act*, 1913, secs. 139 and 146A); (7) Bank officials issuing notes fraudulently (*Bank Act*, 1913, sec. 140); (8) Persons, other than a bank, issuing and circulating bank notes as money (*Bank Act*, 1913, sec. 136); (9) Banks issuing bank notes before receiving Treasury Board certificate (*Bank Act*, 1913, sec. 132); (10) Banks circulating notes in excess of amount authorized by *Bank Act* (*Bank Act*, 1913, sec. 135); (11) Bank officials hypothecating notes of bank on its behalf (*Bank Act*, 1913, sec. 146 A); (12) Bank failing to make return of additional issue of bank notes (*Bank Act*, 1913, sec. 147 A).

Bathing—

1. *Indecent.*—Everyone is guilty of an offence and liable on summary conviction before two Justices to a fine of $50 or to 6 months' imprisonment, with or without hard labour, or to both fine and imprisonment, who wilfully, in the presence of one or

more persons, does any indecent act in any place to which the public have or are permitted to have access. [Code, sec. 205 (*a*).]

Bawdy Houses—

1. *Definition.*—A common bawdy house is a house, room, set of rooms, or place of any kind kept for purposes of prostitution or for the practice of acts of indecency or occupied or resorted to by one or more persons for such purposes. [Code, sec. 225.]

2. *Crimes and Offences.*—(1) Keeping (Code, 228); (2) Being inmate (Code, 229 A); (3) Enticing woman or girl into (Code, 216 B); (4) Concealing women in (Code 216 (*c*)); (5) Taking female immigrant to house of ill-fame (Code, 216 (*f*)); (6) Procuring woman or girl to enter (Code, 216 (*e*)); (7) Keeping habitation for Indian women prostitutes (Code, 220 (*a*)); (8) Indian women keeping or frequenting (Code, 220 (*c*)); (9) Obstructing constable searching for seamen in bawdy house (*Shipping Act,* R. S. C. 1906, ch. 113, sec. 357).

3. *Evidence.*—In any prosecution under Code, sections 228 or 229, it is *prima facie* evidence that a house, room or place is a disorderly house (including bawdy house) if any constable or officer authorized to enter any house, room or place is wilfully prevented from or obstructed or delayed in entering the same, or any part thereof (Code, sec. 986).

4. *Keepers.*—Anyone who appears, acts or behaves as master or mistress, or as the person having the care, government, or management, of any disorderly house, or as assisting in such care, government or management, is deemed to be the keeper thereof and liable to be prosecuted and punished as such, although in fact he or she is not the real owner or keeper thereof (Code, sec. 228 (2)). It is an offence to be a keeper of a bawdy house (Code, sec. 228 (1)). Anyone who has been convicted three or more times for being a keeper, is liable on the third or subsequent conviction to not less than 3 months' nor more than 2 years' imprisonment. (*Act to Amend Criminal Code,* 1915, ch. 12, sec. 6). Keepers of bawdy houses can be tried summarily (sec. 773 (*f*) of the Criminal Code). They are also indictable (Code, sec. 228 (1)).

5. *Inmates.* — Everyone is guilty of an indictable offence and liable to a penalty not exceeding $100 and costs, and in default of payment, to imprisonment for a term not exceeding two months or to imprisonment for a term not exceeding twelve

months, who is an inmate of any common bawdy house [Code, sec. 229 (*a*)]. Inmates of common bawdy houses can be tried summarily under sec. 773 (*f*) of the Criminal Code (Code, 773 (*f*), as amended 1915, ch. 12, s. 8.) Anyone who has been convicted three or more times of being an inmate of a common bawdy house is liable on the third, or any subsequent conviction, to imprisonment for a term of not less than three months and not exceeding two years (*Criminal Law Amendment Act*, 1915, ch. 12, sec. 6).

6. *Landlords, Lessors and Agents.*—If the landlord, lessor or agent of premises in respect of which any person has been convicted as the keeper of a common bawdy house fails, after such conviction has been brought to his notice, to exercise any right he may have to determine the tenancy or right of occupation of the person so convicted and subsequently any such offence is again committed on the said premises, such landlord, lessor or agent, is deemed to be a keeper of a common bawdy house, unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence (Code, 228 (*a*) (2)). It is an offence for any landlord, lessor or agent having charge or control of any premises to knowingly permit such premises or any part thereof to be let or used for the purposes of a disorderly house (including a bawdy house), and is punishable on summary conviction by fine of $200 and costs or two months' imprisonment, or both (Code, 228 (*a*) (1)).

7. *Tenants and Occupiers.*—Anyone who, as tenant or occupier, has charge or control of any premises and knowingly permits such premises or any part thereof to be let or used for the purposes of a disorderly house (*i.e.*, including a bawdy house), is liable on summary conviction to a fine of $200 and costs or two months or both (Code, sec. 228 (*a*) (1)).

8. *Entry and Search.*—Whenever there is a reason to believe that any woman or girl mentioned in Code section 216 (procuring) has been *inveigled or enticed* to a house of ill-fame or assignation, then upon complaint thereof being made under oath, by the parent, husband, master, or guardian of such woman or girl, or in the event of such woman or girl having no known parent, husband, master or guardian in the place in which the offence is alleged to have been committed, by any other person, to any Justice, or to a Judge of any Court authorized to issue warrants in cases of alleged offences against the criminal law, such Justice or Judge can issue a warrant to

enter, by day or night, such house of ill-fame or assignation, and, if necessary, use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to search for such woman or girl and bring her and the person or persons in whose keeping and possession she is, before such Justice or Judge, who can, on examination, order her to be delivered to her parent, husband, master or guardian, or to be discharged as law and justice require (Code, sec. 640). There is also a general right of search by warrant under Code, sec. 641 (Code, sec. 641).

9. *Obstructing Police.*—Everyone is guilty of an offence and liable, on summary conviction before two J. P.'s, to a penalty not exceeding $100 and to six months' imprisonment, with or without hard labour, who (*a*) wilfully prevents any constable or other officer duly authorized to enter any disorderly house (*i.e.*, including a bawdy house) from entering same or any part thereof; or (*b*) obstructs or delays any such constable or officer in so entering; or (*c*) by any bolt, chain or other contrivance secures any external or internal door of, or means of access to, any common gaming house so authorized to be entered; or (*d*) uses any means or contrivance whatsoever for the purpose of preventing, obstructing or delaying the entry of any constable or officer, authorized as aforesaid, into any such disorderly house or any part thereof; or (*e*) being the owner or other person in control of premises occupied or used as a disorderly house, knowingly allows any contrivance whatsoever upon the said premises for the purpose of preventing, obstructing or delaying the entry of any constable or officer authorized as aforesaid into any such disorderly house or any part thereof [Code, sec. 230].

10. *Persons Found in.*—It is an offence for any person, without lawful excuse, to be found in any disorderly house (*i.e.*, including a bawdy house), and on summary conviction such person is liable to a penalty not exceeding $100 and costs, and in default of payment two months' imprisonment [Code, sec. 229].

Beef and Pork—

1. *Inspection and Sale.—The Inspection and Sale Act,* R. S. C. 1906, ch. 85 (Part iv.), provides for the inspecting and branding of packages of beef or pork shipped for export. Fees are payable for inspection and a bill of inspection furnished by the inspector (*Ibid.*, secs. 181, 182). Standards of quality are fixed by the Act, *e.g.*, beef, mess beef, prime mess beef, prime beef, cargo beef, pork, mess pork, extra prime pork, prime

mess pork, prime pork, cargo pork (*Ibid.*, secs. 187, 188). The quality of salt used in packing is also fixed (*Ibid.*, sec. 191). Offences and penalties are made for violations of the provisions of the Act respecting branding and inspection (*Ibid., secs.* 199-203).

Begging—

1. *Beggars.*—Any person who, without a certificate signed within 6 months by a priest, clergyman, or minister of the gospel, or two Justices, residing in the municipality where the alms are being asked, that he or she is a deserving object of charity, wanders about and begs, or goes about from door to door, or places himself or herself in any street, highway, passage or public place to beg or receive alms, is deemed to be a loose, idle or disorderly person (Code, sec. 238 (*d*)).

2. *Beggar Vagrants.*—Every loose, idle or disorderly person or vagrant (*i.e.*, including those coming within sec. 238 (*d*)), is liable on summary conviction to a fine not exceeding $50 or 6 months with or without hard labour, or to both (Code, sec. 239).

3. *Deportation of Beggars.*—Professional beggars or vagrants or persons likely to become a public charge, are deportable unless they are Canadian citizens (*Immigration Act,* 1910, ch. 27, sec. 3).

Bench Warrants—

1. Issue.—A warrant for apprehension of a person issued by a judge on the bench. It is commonly issued to arrest persons at large under indictment. The procedure is regulated by section 879 of the Criminal Code.

Berries and Currants—

1. *Packing.*—On and after 1st June, 1919, every box of berries or currants, packed in Canada, for sale in Canada, and every berry or currant box manufactured and offered for sale in Canada must contain, when level full, as nearly as practicable one or other of the quantities set out in section 326 of the *Inspection and Sale Act,* R. S. C. 1906, ch. 85, as amended 1919, ch. 29, sec. 1.

Betting—

1. *Generally.*—Betting, pool selling, and book-making are prohibited (Code, sec. 235). The keeping of a disorderly house, includes the keeping of a common betting house, and therefore a keeper of a common betting house can be prosecuted under

section 228 for keeping a disorderly house (Code, sec. 228). The use of premises as a disorderly house is prohibited (Code, sec. 228 (*a*)). Although betting is prohibited as such, there is, however, an exception in favour of certain incorporated race course associations, as the provisions of sections 227 and 228 (betting places and disorderly houses), do not include the race course of such an association (Code, sec. 235 (2)). Horse racing under the conditions of section 235 (2), has, however, not been allowed during the great war, owing to an Order-in-Council (see Canada Gazette, vol. li., p. 8), having been passed repealing or suspending the operation of this section until 6 months after the war (see *Canada Gazette,* vol. li., p. 8).

2. *Common Betting Place.*—This is defined by sec. 227 of the Criminal Code, and includes any place, whether enclosed or not, and whether it is used permanently and temporarily, and where there is or is not exclusive right of user (Code, sec. 227 (2)).

3. *Search of Premises.*—If a constable, or other peace officer of any city, town, incorporated village or other municipality or district, organized or unorganized, or place, reports in writing to the mayor or chief magistrate, or to the police, stipendiary, or district magistrate of such city, town, incorporated village or other municipality, district or place, or to any police or stipendiary magistrate having jurisdiction there, or if there be no such mayor or chief magistrate or police or stipendiary or district magistrate, to any Justice having such jurisdiction that there are good grounds for believing and that he does believe that any house, room or place within the said city or town, incorporated village or other municipality, district or place is kept or used as a (1) Disorderly house under section 228; or (2) for betting, wagering or pool selling contrary to section 235; or (3) for lotteries under section 236, the mayor, chief magistrate, police, stipendiary magistrate, district magistrate or Justice can, by order in writing, authorize the constable or other peace officer to enter and search any such house, room or place, with such other constables or peace officers as are deemed requisite by him, and such peace officer or peace officers can thereupon enter and search all parts of such house, room, or place, and if necessary may use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and can take into custody all persons who are found therein, and can seize all tables and instruments of gaming, wagering or

betting, and all monies and securities for money, and all instruments or devices for the carrying on of a lottery, or of any scheme, contrivance or operation for determining the winners in any lottery, and all lottery tickets, and all intoxicating liquors, and all opium and devices, pipes or apparatus for preparing or for smoking or inhaling opium, and all circulars, advertisements, printed matter, stationery and things which are found in such place or premises which appear to have been used or to be intended for use for any illegal purpose or business, and must bring the same before the person issuing such order, or any Justice to be by him dealt with according to law (Code, sec. 641).

4. *Disposition of Betting Apparatus.*—The person issuing the order for search under Code, section 641, or the Justice before whom any person is taken by virtue of such order, can direct that any money or securities for money seized under such order be forfeited to the Crown for the public uses of Canada, and that any other thing seized be destroyed or otherwise disposed of. It is, however, required that nothing be destroyed or disposed of pending any appeal or any proceeding in which the right of seizure is questioned, or before the time within which such appeal or other proceeding can be taken, has expired (Code, sec. 641 (2)).

Bigamy—

1. *Definition.*—Bigamy is the act of a person who: (*a*) being married, goes through a form of marriage with any other person in any part of the world; or (*b*) goes through a form of marriage in any part of the world with any person whom he or she knows to be married; or (*c*) goes through a form of marriage with more than one person simultaneously or on the same day (Code, sec. 307).

2. *Exceptions.*—No one commits bigamy by going through a form of marriage: (*a*) If he or she, in good faith and on reasonable grounds, believes his wife or her husband to be dead; or (*b*) if his wife or her husband has been continually absent for seven years then last past, and he or she is not proved to have known that his wife or her husband was alive at any time during those seven years; or (*c*) if he or she has been divorced from the bond of the first marriage; or (*d*) if the former marriage has been declared void by a court of competent jurisdiction (Code, sec. 307 (3)).

3. *Marriages Outside Canada.*—No person is liable to be

convicted of bigamy in respect of having gone through a form of marriage in a place not in Canada, unless such person, being a British subject, resident in Canada, leaves Canada with intent to go through such form of marriage (Code, sec. 307 (4)).

4. *Form of Marriage.*—Every form of marriage is, for the purpose of the bigamy sections of the Criminal Code, valid, notwithstanding any act or default of the person charged with bigamy, if it is otherwise a valid form (Code, sec. 307 (5)). The fact that the parties would, if unmarried, have been incompetent to contract marriage, is no defence upon a prosecution for bigamy (Code, sec. 307 (2)).

5. *Punishment.*—Bigamy is an indictable offence, punishable with seven years' imprisonment. If the offence is committed after previous conviction for a like offence the punishment is fourteen years' imprisonment (Code, sec. 308).

Binder Twine—

1. *Labelling Before Sale.*—Upon or attached to every ball of binder twine sold or offered for sale in Canada there must be a label with the name of the dealer and the number of feet of twine per pound in the ball, marked or stamped thereon (*Inspection and Sale Act,* R. S. C. 1906, ch. 85, as amended 1914, ch. 10). However, binder twine manufactured for export only, and not to be used in Canada, need not be so labelled. The onus of proof that any unlabelled binder twine is manufactured for export only, rests upon the manufacturer, dealer, carrier or other person in whose possession the binder twine is found (*Inspection and Sale Act,* R. S. C. 1906, ch. 85, as amended 1914, ch. 10). All balls of binder twine not properly and correctly labelled in accordance with the provisions of the *Inspection and Sale Act,* R. S. C. 1906, ch. 85, can be seized upon view by the inspector of binder twine, and can be confiscated by the Minister of Trade and Commerce, and if so confiscated must be disposed of as directed by the Minister, whose decision is final, whether in respect of confiscation or disposal (*Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 353, as amended 1907, ch. 21, sec. 3). It is an offence to sell binder twine not properly labelled (*Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 352, as amended 1907, ch. 21, sec. 2).

2. *Regulations.*—The Minister of Trade and Commerce for the time being is authorized to make such regulations as he deems necessary to prevent the sale or use in Canada of unlabelled binder twine manufactured for export only, and any

person violating any such regulation is liable on summary conviction to a fine not exceeding $50, and for each subsequent offence a penalty not exceeding $100 (*The Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 347 (3), as amended by 1914, ch. 10, sec. 1).

3. *Evidence of Incorrect Labelling.*—If it is shown that in any lot of binder twine, one ball of binder twine in every twenty or less number of balls of binder twine in the lot are not properly and correctly labelled, it is *prima facie* evidence that all the balls in the lot are not properly and correctly labelled, and the burden of proof lies upon the dealer to show that the balls in the lot are properly and correctly labelled (*The Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 348).

4. *Officers' Powers of Search and Examination.*—The inspector of binder twine or any other person charged with the enforcement of the provisions of Part X. of the *Inspection and Sale Act,* R. S. C. 1906, respecting binder twine, can enter upon any premises and make an examination of any packages of binder twine, whether such packages are on the premises of a dealer or are on other premises or are in the possession of a railway or steamship company (*The Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 349).

5. *Crimes and Offences.*—There are the following crimes and offences in respect of binder twine: 1, Selling binder twine for home consumption when manufactured for export (*Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 350); 2, selling, offering for sale or having in possession unlabelled binder twine (*Ibid.,* sec. 351); 3, selling, offering for sale or having in possession twine not properly labelled (*Ibid,* sec. 352, as amended 1907, ch. 21, sec. 2); 4, obstructing binder twine inspector (*Ibid,* sec. 354).

6. *Disposition of Penalties.* — Notwithstanding anything to the contrary in section 46 of the *Inspection and Sale Act,* R. S. C. 1906, ch. 85, all moneys derived from penalties imposed for any contravention of any provision of the *Inspection and Sale Act* respecting binder twine, or derived from the confiscation of binder twine, must be paid into and form part of the Consolidated Revenue Fund of Canada, and no inspector or other person entitled to any portion thereof (*The Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 354 (*a*), as enacted by 1907, ch. 21, sec. 4).

Birds—

1. *Theft.*—Everyone who steals any bird ordinarily kept in a state of confinement or for any domestic purpose, or for any lawful purpose of profit or advantage, is, if the value of the property stolen exceeds $20, guilty of an indictable offence and liable to a penalty not exceeding $50 over and above the value of the property stolen, or to two years' imprisonment, or to both, and if the value of the property stolen does not exceed $20, is guilty of an offence and liable on summary conviction to a penalty not exceeding $20 over and above such value, or to 1 month's imprisonment with hard labour (Code, sec. 370 (1)). Every one who, having been previously convicted of an offence under section 370 (1) of the Code, is summarily convicted of another offence thereunder, is liable to 3 months' imprisonment with hard labour (Code, sec. 370 (2)).

2. *Injuring.*—Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding $100 over and above the amount of injury done, or to 3 months' imprisonment, with or without hard labour, who wilfully kills, maims, wounds, poisons, or injures any bird, being the subject of larceny at common law, or being ordinarily kept in a state of confinement or kept for any lawful purpose (Code, sec 537 (1)). Everyone who, having been convicted of any such offence, afterwards commits any offence under this section, is guilty of an indictable offence and liable to a fine or imprisonment or both in the discretion of the Court (Code, sec. 537 (2)).

3. *Migratory Birds.*—These are protected by law. A convention between Canada and the United States with respect to the protection of migratory birds was signed on 16th August, 1916, and confirmed in Canada, by a statute known as the Migratory Birds Convention Act, 1917 (ch. 18). There are three classes of birds dealt with, namely: 1, Migratory game birds; 2, migratory insectivorous birds; 3, migratory non-game birds (*Ibid.*, sec. 3). Regulations can be made under the Act for protecting these birds (*Ibid.*, sec. 4). These regulations are printed in the annual statutes and published in the Canada Gazette (*Ibid.*, sec. 4 (3)). Game officers who are *ex officio* Justices of the Peace and a police constable, by virtue of such appointment, can be appointed by the Minister of Agriculture for the Dominion (*Ibid.*, sec. 5). The following offences are constituted by the Act, namely: 1, Buying, selling or possessing bird, nest or eggs during prohibited time (*Ibid.*, sec. 6);

2, game officer aiding, abetting or conniving at violations of law (*Ibid.*, sec. 8); 3, assaulting, obstructing or interfering with game officer (*Ibid.*, sec. 9); 4, wilfully refusing information or giving false information (*Ibid.*, sec. 10); 5, violating any provision of Act not otherwise provided for (*Ibid.*, sec. 12). Powers of entry and search of suspected premises is given to game officers and peace officers (*Ibid.*, sec. 11). Guns, boats, teams and appliances used in violation of or for the purpose of violating the Act or any regulation, and all birds, nests or eggs taken in violation of the Act or regulation can be seized and confiscated upon view by game officer under Act, or taken and removed by any person for delivery to the game officer or Justice of the peace (*Ibid.*, sec. 7).

4. *Pigeons.*—*See* PIGEONS.

5. *Cruelty to Birds.*—*See* CRUELTY TO ANIMALS.

Births, Marriages and Deaths—

1. *Registers.*—Everyone is guilty of an indictable offence and liable to 14 years' imprisonment, who: (*a*) unlawfully destroys, defaces, or injures any register of births, baptisms, marriages, deaths, or burials, required or authorized by law to be kept in Canada, or any part thereof, or any copy of such register or any part thereof, required by law to be transmitted to any registrar or other officer; or (*b*) unlawfully inserts in any such register, or any such copy thereof, any entry known by him to be false, of any matter relating to any birth, baptism, marriage, death or burial, or erases from any such register or document any material part thereof (Code, sec. 480).

2. *Certificates.*—Everyone is guilty of an indictable offence and liable to ten years' imprisonment, who: (*a*) Being a person authorized or required by law, to give any certified copy of any entry, in any register of births, baptisms, marriages, deaths or burials, certifies any writing to be a true copy or extract, knowing it to be false, or knowingly utters any such certificate; or (*b*) unlawfully and for any fraudulent purpose takes any such register or certified copy from its place of deposit or conceals it; or (c) being the person having the custody of any such register or certified copy permits it to be so taken or concealed (Code, sec. 481). It is also an indictable offence, punishable with 7 years' imprisonment, for any person, who: (*a*) Being by law required to certify that any entry has been made in any such register makes such certificate, knowing that such entry has not been made; or (*b*) being by law required to make a

certificate or declaration concerning any particulars required for the purpose of making entries in such register, knowingly makes such certificate or declaration containing a falsehood (Code, sec. 482 (1)).

Bolsheviki—

1. *Deportation.*—Certain undesirable classes of persons in Canada are deportable. These include the so-called "Bolsheviki" agitators. Every person (not being a British subject by birth or naturalization), who: (1) By word or act in Canada seeks to overthrow by force or violence the Government of, or constituted law and authority in the United Kingdom of Great Britain and Ireland or Canada, or any of the provinces of Canada, or the Government of any other of His Majesty's Dominions, colonies, possessions or dependencies, or advocates the assassination of any official of any of the said Governments or of any foreign Government; or (2) who in Canada defends or suggests the unlawful destruction of property, or by word or act creates or attempts to create any riot, or public disorder in Canada; or (3) who without lawful authority assumes any powers of Government in Canada or in any part thereof; or (4) who by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada by force or by threat of bodily harm or by blackmail; or (5) who is a member of or affilliated with any organization entertaining or teaching disbelief in or opposition to organized government, is under section 41 (1), the *Immigration Act,* 1910, as amended by the *Immigration Act,* 1919, ch. 26, deemed to belong to the prohibited or undesirable classes and liable to be deported under the *Immigration Act,* 1910 (*Immigration Act,* 1910, ch. 27, sec. 41 (1), as amended 1919, ch. 26, sec. 1).

2. *Prohibition from Landing in Canada.*—Certain classes of immigrants are prohibited from landing in Canada, and the so-called "Bolsheviki" have been included in the prohibited classes. Under section 3 of the *Immigration Act,* 1910, as amended by chapter 25 of the statutes of 1919, any person: (1) who advocates force or violence against organized government: or (2) who is a member of a society opposed to organized government or advocates unlawful assault or killing; or (3) who is an enemy alien or person who has been an alien enemy and who was or may be interned on or after 11th November, 1918, in any of His Majesty's Dominion, or by any of His

Majesty's Allies; or (4) who are spies; or (5) persons found guilty of high treason or treason for an offence in connection with the war, or of conspiring against His Majesty, or of assisting His Majesty's enemies during the war, or of any similar offence against any of His Majesty's Allies; or (6) persons already deported as hostile or dangerous to allied cause, can under the *Immigration Act*, 1910, be prohibited from landing in Canada (*Immigration Act*, 1910, ch. 27, sec. 3, as amended 1919, ch. 25, sec. 3).

3. *Sedition and Seditious Literature.*—The prosecution of persons who belong to the class of so-called "Bolsheviks" can now be prosecuted under the Criminal Code. Any person who prints, publishes, edits, issues, circulates, sells, or offers for sale or distribution any seditious literature, commits an offence under section 97 (*b*) of the Criminal Code (1919, ch. 46, sec. 1). Any person making seditious utterances in Canada can be punished under section 134 of the Criminal Code (R. S. C. 1906, ch. 146, sec. 134).

4. *Unlawful Associations.* — The so-called "Bolsheviki" organizations or societies have been made unlawful associations in Canada, and are consequently prohibited under section 97 (*a*) of the Criminal Code, which provides that any association, organization, society or corporation, whose professed purpose or one of whose purposes is to bring about any governmental, industrial or economic change within Canada by the use of force, violence or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises or defends the use of force, violence, terrorism or physical injury to person or property, or threats of such injury in order to accomplish such change, or for any other purpose, or which shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise or defend, shall be an unlawful association (1919, ch. 46, sec. 1).

5. *Subscriptions, Dues, Cards, Emblems, Buttons and Badges.*—Any person who acts or professes to act as an officer of any association made unlawful by section 97 A (i) of the Criminal Code, *and* who sells, speaks, writes, or publishes anything as the representative or professed representative of any such unlawful association, or become or continue to be a member thereof, or wear, carry, or cause to be displayed upon or about his person, or elsewhere, any badge, insignia, emblem, banner, motto, pennant card, button or other device what-

soever, indicating or intended to show or suggest that he is a member of or in any wise associated with any such unlawful association, or who shall contribute anything as dues, or otherwise, to it or to any one for it, or who shall solicit subscriptions or contributions for it, is guilty of an offence and punishable with imprisonment for not more than twenty years (1919, ch. 46, sec. 1.)

6. *Procedure to Obtain Deportation of I.W.W.'s &c.*—The procedure for obtaining deportation of undesirable persons such as I.W.W., Bolsheviki, and agitators, is under section 41 of the *Immigration Act,* 1910, as amended 1919. A complaint is made to the Deputy Minister of Immigration at Ottawa, on the form supplied by the Immigration Department for making complaints. A crime report containing facts of the case should be attached and the causes for the deportation should be set out in the complaint, *e.g.*: 1, Seeking to overthrow by force or violence the constituted law and authority in Canada; or 2, being members of or affiliation with an organization, to wit, the I.W.W., &c. Entertaining or teaching disbelief in or opposition to organised governments. Upon receiving the complaint, the Minister of Immigration issues an order for arrest and inquiry and thereupon the person arrested is brought before a Board or an Immigration Officer, acting as a Board, and a hearing according to section 33 of the *Immigration Act,* 1910, is held in private. The Board or Immigration Officer upon being satisfied that the parties are deportable, issues an order in Form B. to *Immigration Act,* to deport the party forthwith. There is however an appeal to the Minister, but the order of deportation cannot be interfered with by the Courts. It must be remembered, however, that British subjects who are born in Canada or naturalised in Canada cannot be deported under these provisions (*Immigration Act,* 1910, ch. 27, sec. 41, as amended 1919, ch. 26, sec. 1.)

Bottles—

1. *Defacing Trademark.*—Any person wilfully defacing, concealing or removing the trademark duly registered, or the name of another person upon any bottle or siphon, unless the same has been purchased from such person, is guilty of an indictable offence, if the same has been defaced, concealed, or removed without the consent of and with the intention to defraud such other person (Code, sec. 490 (*a*)).

2. *Trafficking in Marked Bottles.*—Any manufacturer, dealer or trader, or bottler, who trades or traffics in any bottle or siphon which has upon it the trade mark duly registered, or name of another person, without the written consent of such other person or without such consent fills such bottle or siphon with any beverage for the purpose of sale or traffic, commits an indictable offence (Code, sec. 490 (*b*)). It is *prima facie* evidence of trading or trafficking under Code, section 490 (*b*), if the following is proved:—(*a*) the using by any manufacturer, dealer, or trader, or bottler, other than a person entitled to use the same, of any bottle or siphon for the sale therein of any beverage; or (*b*) the having by any such manufacturer, dealer, trader or bottler, upon any bottle or siphon with such trade mark or name of the person entitled to use the same; or (*c*) the buying, selling, or trafficking in any such bottle or siphon without written consent; or (*d*) the fact that any junk dealer has in his possession any bottle or siphon having upon it such a trade mark or name without such written consent (Code, sec. 490 (2)). Prosecutions under section 490 (*a*) and 490 (*b*) must be brought within three years of the commission of the offence (Code, sec. 1140.)

Board and Lodging—

1. *Fraudulently Obtaining.*—Everyone is guilty of an offence and liable on summary conviction to a fine of $100 and costs, or 3 months' imprisonment, who fraudulently obtains food, lodging, or other accommodation at any hotel or inn, or at any lodging, boarding, or eating house (Code, sec. 407 (*b*)).

2. *Evidence of Fraud, in cases under Code, Section* 407 (*b*). —Proof that a person obtained food, lodging, or other accommodation at any hotel or inn, or any lodging, boarding or eating house, and did not pay therefor, *and,* made any false or fictitious show or pretence of having baggage, or had any false or pretended baggage, or, surreptitiously removed or attempted to remove his baggage or any material part thereof, or absconded or surreptitiously left the premises, or knowingly made any false statement to obtain credit or time for payment, or offered any worthless cheque, draft or security in payment for such food, lodging or other accommodation is ***prima facie*** evidence of fraud (Code, sec. 407 (*b*) (2)).

Brands—

1. *Defacing Brand on Cattle.*—Any person who without the consent of the owner, fraudulently, or partially obliterates, or

alters, or defaces, or causes or procures to be obliterated, altered, or defaced, any brand or mark on any cattle, or makes or causes or procures to be made any false or counterfeit brand or mark on any cattle, commits an indictable offence, punishable with three years' imprisonment (Code, sec. 392 (*c*)).

2. *Brands as Evidence of Ownership.* — In any criminal prosecution, proceeding or trial, the presence upon any cattle of a brand or mark, which is duly recorded or registered under the provisions of any Act, ordinance, or law, is *prima facie* evidence that such cattle are the property of the registered owner of such brand or mark (Code, sec. 989 (1)).

3. *Possession of branded Cattle as Evidence of Theft.*—When a person is charged with theft of cattle or with an offence under section 392 (*a*) or 392 (*b*) respecting cattle, possession by such person or by others in his employ or on his behalf of such cattle being such a brand or mark of which the person charged is not the registered owner, throws upon the accused the burden of proving that such cattle came lawfully into his possession or into the possession, of such others in his employ, or on his behalf, unless it appears that such possession by others in his employ or on his behalf was without his knowledge and without his authority, sanction or approval (Code, sec. 989 (2)).

Breweries—

1. *Regulation.*—These are regulated and controlled by the *Inland Revenue Act,* R. S. c. 1906, ch. 51. A license to carry on the trade or business of a brewer is granted by the Inland Revenue Department after compliance with the *Inland Revenue Act,* sec. 198. A person brewing without a license is liable to prosecution.

Bridges—

1. *Inspection.*—This is dealt with by the *Bridges' Act,* R. S. C. 1906, ch. 109. No *bridge to which this Act applies* is to be opened for public use:—(*a*) until one month after notice in writing of intention to open same has been given to the Board of Railway Commissioners for Canada, by the Company to which the bridge belongs; nor (*b*) until ten days after notice in writing of the time when the bridge will, in the opinion of the Company, be sufficiently completed for inspection and use with safety, has been given by the company to the Board of Railway Commissioners for Canada (*Ibid.,* sec. 4). It must be remembered that

this Act applies to every bridge and the approaches, and appliances and works built or constructed by any company incorporated under the authority or within the jurisdiction of the Parliament of Canada, not being a railway company or otherwise subject to the control of the Board of Railway Commissioners (*Ibid*, sec. 3 and 2 (*d*)). The bridge is examined by a Government engineer before opening, and if reported unsafe, the opening of the bridge is postponed (*Ibid*, sec. 5 (2)).

2. *Unsafe.* The Board of Railway Commissioners for Canada can direct the Government engineer to examine and report to the Board on any bridge *to which the Bridge Act applies*, whenever it receives information to the effect that such bridge, through want of repair, insufficiency, or erroneous construction, or from any other cause, is dangerous to the public using the same or whenever circumstances arise which in the opinion of the Board render an examination or inspection expedient. (*Ibid*, sec. 7). The Inspecting engineer can, when, in his opinion the bridge is dangerous, by notice in writing, stating the reasons for his opinion, and distinctly specifying the defects or the nature of the danger, to be apprehended, delivered to president, managing director, secretary or superintendent of the Company, owning, using, or controlling such bridge, forbid, until alterations, substitutions or repairs are made therein:—(*a*) the running of any railway or tramway trains or car, over any such bridge when the same is intended for, and in his opinion dangerous to, the passage of such train or car; or (*b*) the passage of any vehicle over such bridge when the same is intended for, and in his opinion, dangerous to the passing of vehicles thereover; or (*c*) the passing of any passenger over such bridge when the same is intended for and in his opinion, dangerous to, passengers (*Ibid*, sec. 13).

3. *Accidents.*—Every company incorporated under the authority or within the jurisdiction of the Parliament of Canada, not being a railway company or otherwise subject to the control of the Board of Railway Commissioners, must as soon as possible and within at least 48 hours after the occurrence upon any bridge *to which the Bridge Act applies* belonging to such Company, of any accident attended with serious personal injury to any person using the same or whereby the bridge has been broken, or so damaged as to render it impassable or unsafe or unfit for immediate use, give notice thereof to the Board of Railway Commissioners for Canada (*Ibid.*, sec. 17). A return

showing all accidents must be made twice a year, and a copy of the by-laws of the company regulating the use of the bridge must also be forwarded to the Board of Railway Commissioners for Canada (*Ibid.*, sec. 18).

4. *Damaging.*—It is a criminal offence, indictable and punishable with life imprisonment, to wilfully destroy or damage *any* bridge, whether over any stream of water or not, or any viaduct, aqueduct, over or under which, any highway, railway or canal passes, and the damage is done with intent to render and does render such bridge, viaduct or aqueduct, or the highway, railway or canal passing over or under the same, or any part thereof, dangerous or impassable (Code, sec. 510A. (*c*)).

Bribery and Corruption—

1. *Judges, Members of Parliament, or Legislature.* It is an indictable offence punishable with 14 years' imprisonment for a judge, member of parliament or legislature to accept a bribe in connection with such office (Code, sec. 156 (*a*)). It is also an offence, and punishable in the same manner, to give or offer such a bribe (Code, sec. 156 (*b*)).

2. *Justices of the Peace and Peace Officers, Detectives, &c.*— It is an indictable offence punishable with 14 years' imprisonment for a Justice of the Peace, Peace Officer, or Public Officer, employed in any capacity for the prosecution or detection of offenders to accept a bribe in connection with his office (Code, sec. 157 (*a*)). It is also an offence and punishable in the same manner to give or offer such a bribe (Code 157 (*b*)).

3. *Government Officials.* Everyone is guilty of an indictable offence and liable to a fine of not less than $100 and not exceeding $1,000 and to imprisonment for a term not exceeding 1 year and not less than one month, and in default of payment of the fine to a further 6 months' imprisonment, who commits any fraud upon the government by: (*a*) making offer or gift to unduly influence official; or (*b*) being an official who accepts such offer or gift; or (*c*) making offer or gift to procure withdrawal of tenders; or (*d*) being an official accepts such offer or gift; or (*e*) being an official, accepts, or being a person makes any gift concerning government business; or (*f*) demands, exacts, fee, compensation or reward for settling government claim, or furthering his appointment to offices, or obtaining a lease; or (*g*) gives a reward or commission to official without consent of head of department; or (*h*) being an official accepts

such gift, reward, or commission; or (*i*) subscribing to election fund of candidate while holding a contract with the Government (Code, sec. 158). A disqualification follows conviction in certain cases (Code, sec. 159).

4. *Municipal Officials.* Everyone is guilty of an indictable offence and liable to a fine not exceeding $1,000 and not less than $100, and to imprisonment for a term not exceeding two years and not less than one month, and in default of payment to a further 6 months, who, directly or indirectly: (*a*) corruptly offers a gift to a municipal councillor to vote or abstain from voting; or (*b*) corruptly offers gift to secure aid of municipal officers; or (*c*) makes corrupt proposals to municipal officers; or (*d*) being a member of the council corruptly accepts any gift; or (*e*) any person using threats or fraud to influence councillors vote; or (f) uses threats or fraud to secure or prevent vote or official act (Code, sec. 161).

5. *Witnesses and Jurors.*—Every one is guilty of an indictable offence and liable to two years imprisonment who:—(a) corrupts a witness; or (b) corrupts a juryman; (c) being a witness or juryman accepts a bribe; or (d) any person wilfully attempting to defeat course of justice (Code, sec. 180).

6. *Selling Appointments and Offices.*—Everyone is guilty of an indictable offence who directly or indirectly:—(*a*) sells any office; or (*b*) purchases any office (Code, sec. 162). It is also an indictable offence to:—(*a*) receive a reward for negotiating any office; or (*b*), give or promise such a reward; or (*c*) be a party to such negotiations; or (*d*) keep an office for that purpose (Code, sec. 163.)

Bucket Shops—

1. *Definition.*—"Bucket Shops" are places where bets are made against the rise or fall of stocks or commodities, and where the pretended transactions or purchase or sale are fictitious.

2. *Suppression.—The Criminal Code, sec.* 231, contains provisions for the suppression of "bucket shops." These provisions are not intended to interfere with regular transactions by way of buying and selling options on a stock exchange. The true test is whether the transaction is real or fictitious.

Buffalo—

1. *Hunting.*—The hunting of buffalo in those parts of Canada where the same are yet to be found is regulated by local provincial game laws. The hunting of buffalo in the North

West Territories is dealt with by the *North West Territories Game Act*, 1917, ch. 36, sec. 4 (4).

Bull-Fights—

1. *Prohibited.*—*See* CRUELTY TO ANIMALS, 3.

Burglary—

1. *Definition.*—Burglary is the breaking and entering of a *dwelling-house* by night with intent to commit any indictable offence therein, and includes the breaking out of any dwelling-house by night after committing any indictable offence therein, or after having entered such dwelling-house either by day or night, with intent to commit an indictable offence therein (Code, sec. 457.)

2. *"Night" or "Night-time."*—Means the interval between 9 o'clock in the afternoon, and 6 o'clock in the forenoon of the following day (Code, sec. 2 (23))

3. *Crime.*—Burglary is an indictable offence punishable with life imprisonment, and if the offender was armed when arrested or when he committed the offence he is liable to be whipped, in addition (Code, sec. 457).

4. *Dwellinghouse.*"—The word "dwellinghouse" as contained in the definition of burglary, means a permanent building, the whole or any part of which is kept by the owner or occupier for the residence therein of himself, his family or servants, or any of them, although it may at intervals be unoccupied (Code, sec. 335 (*e*)).

5. *"Breaking."*—Means to break any part, internal or external, of a building, or to open by any means whatever (including lifting, in the case of things kept in their places by their own weight) any door, window, shutter, cellar flap, or other thing intended to cover openings to a building or to give passage from one part of it to another (Code, sec. 335 (*c*)).

Butter—

1. *Classification.*—"Butter" means the food product commonly known as butter which is manufactured exclusively from milk or cream or both, with or without the addition of coloring matter, common salt, or other harmless preservatives. (*The Dairy Industry Act*, 1914, ch. 7, sec. 3 (a)). "Dairy butter" means butter which is manufactured in a dairy which for the purposes of the *Dominion Dairy Industry Act*, 1914, is a place where the milk or cream of *less than* 50 cows is manufactured into

butter (*Ibid.*, sec. 3 (*d*, *e*)). "Creamery butter," is butter manufactured in a creamery which for the purposes of the said Act is a place where the milk or cream of *not less* than 50 cows is manufactured into butter (*Ibid.*, sec. 3 (*b*, *c*)). "Renovated" or "process" butter is any butter which has been melted, clarified, refined, or rechurned (*Ibid.*, sec. 3 (*k*)). "Whey butter" is butter manufactured from whey (*Ibid.*, sec. 3 (*b*)).

2. *Industry.*—The butter industry or dairying is regulated and controlled by the *Dairy Industry Act*, 1914, ch. 7. This Act was passed to regulate the manufacture and sale of dairy products, and to prohibit the manufacture or sale of butter substitutes. Its provisions take the place of the *Inspection and Sale Act* (Part VIII) dealing with the same subject.

3. *Crimes and Offences.*—These include:—1, The selling of butter substitutes. (*Dairy Industry Act*, 1914, ch. 7, sec. 5); 2, the selling of butter below standard or weight (*Ibid.*, sec. 6). During the Great War, however, the sale of certain butter substitutes, such as oleomargarine, was permitted; and this permission has been continued by *The Oleomargarine Act*, 1919 (2), ch. 24, until 31st August, 1920.

4. *Regulation.*—*The Dairy Industry Act*, 1914, ch, 7. sec. 16 authorizes the Governor in Council to pass regulations governing:—(1) The classification, marking, and branding of butter; (2) the taking of samples by inspectors and others; (3) the seizure and confiscation of illegal products; (4) the imposition of penalties and enforcement of prosecutions.

5. *Prosecutions.*—The person on whose behalf any butter is manufactured, sold, offered, or exposed for sale, or had in possession for sale contrary to the *Dairy Industry Act*, 1914, is *prima facie* liable for the violation of the Act. (*The Dairy Industry Act*, 1914, ch. 7, sec. 12). The procedure under Part XV. of the Criminal Code is applied (*Ibid.*, sec. 20 (3)). An appeal from a summary conviction under the Act lies within 10 days after conviction to a higher court having jurisdiction where the conviction was had (*Ibid.*, sec. 20 (1)). The cause of action is deemed to arise at the place where the butter is manufactured, packed, sold, offered or exposed or had in possession for sale (*Ibid*, sec. 17).

Canada Gazette—

1. *Publication.*—This is the official gazette of Canada. It is published by authority and contains a list of appointments to

government offices, copies of orders in council of public interest, government notices of various kinds, proclamations, etc. It is published weekly by the King's Printer at Ottawa.

Canals—

1. *Public.*—Canals and locks which belong to Canada, or which are acquired, constructed, enlarged or improved at the expense of Canada, are subject to regulation and control by the Department of Railways and Canals. This department of the Dominion Government is presided over by a Minister of the Government, under the provisions of the *Department of Railways and Canals Act*, R. S. C., 1906, ch. 35. Tolls can be imposed for the use of such canals (*Ibid.*, sec. 22). Regulations with respect to their management, maintenance and proper use and protection of the canals can be passed by the Governor-in-Council (*Ibid.*, sec. 24).

Canned Foods—

1. *Inspection.*—The inspection of meat and canned foods, intended for export (*i.e.*, out of Canada or out of the province in which the establishment is situated to another province) is dealt with by the *Meat and Canned Foods Act*, 1907, ch. 27. All animals intended for slaughter in any establishment preparatory to export are required to be inspected and found healthy and fit for food. (*Ibid*, sec. 3). The carcasses also are required to be inspected (*Ibid.*, sec. 4). Meat products are subject to inspection during the whole course of preparation and packing (*Ibid.*, sec. 7). An inspection and close supervision of the sanitary conditions of the establishments where meat and canned foods are prepared for export, is required by the Act (*Ibid.*, sec. 14).

2. *Fish, Fruit or Vegetables.*—All fish, fruit or vegetables used in any establishment where these articles are prepared for export, must be sound, wholesome and fit for food, and any such articles or products thereof found in the said establishment unsound or unwholesome can be confiscated and destroyed (*The Meat and Canned Foods Act*, 1907, ch. 27, sec. 13).

3. *Animals.*—All animals intended for slaughter in any establishment such an as abattoir, packing house, or other premises, in which such animals are slaughtered, or in which any parts thereof or products thereof, or fish or fruit or vegetables are prepared for food for export, or are stored for export, must be inspected as provided by the regulations under the *Meat and Can-*

ned Foods Act, 1907, ch. 27. No animal is to be allowed to enter the parts of such establishment while the slaughtering is carried on unless it has undergone such inspection and been found healthy and fit for food (*Ibid.*, sec. 3). Every animal affected or suspected of being affected with contagious or other disease must be slaughtered under the supervision of the inspector and disposed of as provided by the regulations (*Ibid.*, sec. 3 (3)). All carcasses (*i.e.*, of cattle, swine, sheep, goats, or poultry), and portions thereof, whenever slaughtered, intended for export, must be inspected (*Ibid.*, sec. 4). Healthy carcasses are marked with a special mark by the inspector (*Ibid.*, sec. 6).

4. *Crimes and Offences.*—These include:—(1) sale of diseased meat for export (*The Meat and Canned Foods Act*, 1907, ch. 27, sec. 10); (2) unlawful sale or possession of articles which have not complied with the *Meat and Canned Foods Act* (*Ibid*, sec. 15A); (3) tampering with marks attached in accordance with the *Meat and Canned Foods Act* (*Ibid.*, sec. 18); (4) obstructing inspectors (*Ibid*, sec. 23); (5) unlawfully removing goods without complying with the *Meat and Canned Foods Act* (*Ibid.*, sec. 24); (6) **bribing inspectors (*Ibid.*, sec. 25).**

5. *Farmers Slaughtering Cattle.*—Animals owned by farmers, and slaughtered by them on their own premises, and animals slaughtered by retail butchers on their own premises, are excepted from the inspection provisions of the *Meat and Canned Food Act*, 1907, until the Minister of Agriculture shall otherwise direct (*The Meat and Canned Foods Act*, 1907, ch. 27, sec. 5).

6. *Prosecutions.*—Every penalty imposed by the *Meat and Canned Foods Act*, 1907, can be recovered, with costs, before any two Justices of the Peace, or any magistrate having the powers of two Justices of the Peace (*The Meat and Canned Foods Act* 1907, ch. 27, sec. 29). Any inspector or constable can, without warrant, apprehend any person found committing an offence against the *Meat and Canned Foods Act*, 1907, and upon doing so the inspector or constable must take such person, so apprehended, forthwith before a Justice of the peace to be examined and dealt with according to law. Any person so apprehended cannot be detained in custody without the order of a justice longer than 24 hours (*Ibid.*, sec. 27). The inspector or constable can require that any animal or any article moved in violation of the Act be forthwith taken back within the limits of the place whence it was moved, and can embrace and execute

such requisition at the expense of the owner of such animal or article (*Ibid.*, sec. 27).

Caption—

1. *Form.*—Is that part of a legal instrument, such as a deposition, which shows where, when and by what authority it is taken, found or executed. It is not necessary in making up a record of conviction or acquittal as it is so provided in section 914 of the Criminal Code, but it is indispensable to a deposition, as it is specially required by sections 682 and 683, and form 19 of the Criminal Code of Canada.

Carcasses—

1. *Inspection.*—All carcasses of cattle, swine, sheep, goats,or poultry and portions thereof, wherever slaughtered, intended for export (*i.e.*, out of Canada or out of the province in which the establishment is situated to another province) must be inspected (*Meat and Canned Foods Act*, 1907, ch. 27, sec. 4). An exception is made in the case of farmers or retail butchers slaughtering cattle on their own premises (*Ibid.*, sec. 5).

2. *Diseased.*—It is an offence to dispose of the carcass of a diseased animal by throwing it into any river (*The Contagious Diseases Act*, R. S. C. 1906, ch. 75, sec. 39). It is also an offence to dig up the buried carcass of a diseased animal (*Ibid.*, sec. 40).

Cards—

1. *Cheating.*—Everyone is guilty of an indictable offence and liable to 3 years' imprisonment who, with intent to defraud any person, cheats in playing any game or in holding the stakes, or in betting on any event (Code, sec. 442).

2. *Gambling.*—Everyone is guilty of an indictable offence and liable to one year's imprisonment who:—(*a*) in any railway car or steamboat, used as a *public conveyance* for passengers, by means of any game of cards, dice or other instrument of gambling, or by any device of a like character, obtains from any other person any money, chattel, valuable security or property; or (*b*) attempts to commit such offence by actually engaging any person in any such game with intent to obtain money or other valuable thing from him. (Code, sec. 234). The conductor, master, or superior officer, in charge of any railway train or steamboat, station or landing place, and every clerk or employee by him authorized, can arrest, with or without warrant, any person whom he has good reason to believe to have committed or attempted to

commit any such offence (Code, sec. 234 (2)). Gambling houses where there is a rake-off to the house, are prohibited under sec. 226 of the Criminal Code.

Carnal Knowledge—

1. *Definition.*—Carnal knowledge, for the purpose of prosecutions under the Criminal Code of Canada, is complete upon penetration to any, even the slightest degree, and even without the emission of seed (Code, sec. 7).

2. *Crimes and Offences.*—These include:—1, Carnal knowledge of girls under 14 (sec. 301-2); 2, seduction of girls between 14-16 years (sec. 211); 3, seduction under promise of marriage (sec. 212); 4, seduction of ward by guardian (sec. 213 (*a*)); 5, seduction of female employee (sec. 213 (*b*)); 6. seduction of female passengers on vessel (sec. 214); 7, rape and attempts (secs. 299, 300); 8, carnally knowing idiots (sec. 219); 9, permitting premises to be used for carnally knowing girls under 18 years (sec. 217).

Carriage by Water—

1. *Goods.*—The carriage of goods, wares, merchandise, and articles of any kind whatsoever except live animals, lumber deals, and wood goods, by ship, is regulated and controlled by the *Water Carriage of Goods Act*, 1910, ch. 61. This Act applies to ships carrying goods from any port in Canada to any other port in Canada, or from any port in Canada to any port outside Canada, and to goods carried by such ships, or received to be carried by such ships (*Ibid.*, sec. 3). In every bill of lading or similar documents to title to goods, relating to the carriage of goods by water from any place in Canada to any place outside of Canada, there must be a clause to the effect that the shipment is subject to all the terms and provisions of and all exemptions from liability, contained in the *Water Carriage of Goods Act* (*Ibid.*, sec. 5). This Act contains provisions restricting:—1, limitation of owner's liability (sec. 6); 2, loss for which the ship owners, &c., are not liable (sec. 7); 3, limit of liability on undeclared value of goods (sec. 8); 4, contents of bill of lading (sec. 4); 5, issue of bill of lading (sec. 9); 6, notice to consignees of ship's arrival (sec. 14). The *Water Carriage of Goods Act*, also prescribes certain penalties for:—1, Making illegal or defective bills of lading (sec. 12); 2, shipping inflammable explosives or dangerous goods without full disclosure in writing (sec. 13).

2. *Cattle.*—Shipping live stock by ship. (See *Agriculture*, 9).

Cattle—

1. *Stealing.*—This is an indictable offence under section 369 of the Criminal Code, punishable with 14 years' imprisonment (Code, sec. 369). "Cattle," for the purpose of prosecutions under the Criminal Code, means and includes, any horse, mule, ass, swine, sheep or goat as well as any neat cattle or animal of the bovine species (Code, sec. 2 (5)). The killing of any living creature, capable of being stolen, with intent to steal the carcass, skin, plumage, or any part of such creature, constitutes theft (Code, sec. 350).

2. *Brands.*—*See* BRANDS.

3. *Contagious Diseases.*—*See* AGRICULTURE, 3.

4. *Feed.*—Commercial feeding stuffs. *See* AGRICULTURE, 7.

5. *Shipping.*—By ship. *See* AGRICULTURE, 9; by rail.

6. *Cruelty to Cattle.*—See CRUELTY TO ANIMALS.

Census—

1. *Population.*—The taking of the census of the population of Canada is regulated and controlled by the *Statistics Act*, (c. 43), 1918. This Act requires a census of population to be taken by the Dominion Bureau of Statistics, on a date in the month of June, 1921, to be fixed by the Governor in Council and also to be taken every tenth year thereafter (*Ibid.*, sec. 16). In Manitoba, Saskatchewan and Alberta the census is to be taken in June, 1926, and every tenth year thereafter (*Ibid.*, sec. 17). The census deals with the following subjects:—Age, sex, conjugal condition, relation to head of household, nationality, race, education, wage earnings, religion, profession, occupation (*Ibid.*, sec. 19 (*a*)). These particulars are obtained by leaving a schedule, form, or notice at the house or room, to be filled up and signed within a stated time by the occupant, or if absent, by some other member of the family (*Ibid.*, sec. 39). It may also be delivered at the office or place of business or sent by registered mail to any person, firm or corporation to be filled up (*Ibid.* sec. 40). Penalties are imposed for non-compliance with the provisions of the Act (*Ibid.*, sec. 38).

2. *Agriculture.*—A census of Agriculture of Canada is to be taken in June, 1921, and every tenth year thereafter. In Alberta, Saskatchewan, and Manitoba this census is to be taken in June, 1926, and every tenth year thereafter. This census is

taken under the *Statistics Act* (c. 43) 1918. The census deals with the following subjects:—the number of houses for habitation, occupied or vacant, under construction or otherwise, the area of occupied land and its value and condition, in cultivation, in fallow, in forest, unbroken prairie, marsh, or waste land, the tenure and acreage of farms and the value of farm buildings and implements, farm products, number and value of domestic animals (*Ibid.*, sec. 19).

3. *Industries.*—A census of the products of industry is to be taken for the year 1918, and at subsequent intervals. The *Statistics Act*, 1918, ch. 43, sec. 20). This census deals with:—Products of all mines and quarries, fisheries, forests, manufacturing establishments, number and kind of buildings and other works of construction used in connection with same, and also any other trade or business to be specially named (*Ibid.*, sec. 20).

Charities—

1. *War.*—These are to be administered subject to the *War Charities Act*, 1917, ch. 38. A "War Charity" means any fund, institution or association, other than a Church or the Salvation Army, whether established before or after the commencement of the *War Charities Act*, 1917, having for its object or among its objects the relief of suffering or distress, or the supplying of needs or comforts to sufferers from the war or to soldiers, returned soldiers or their families or dependents, or any other charitable purpose connected with the European War (*Ibid*, sec. 2 (*b*)). These war charities must be registered with the Secretary of State of Canada, through a local registration committee (*Ibid*, sec. 4). The provisions of the Act render it unlawful to make any appeal to the public for donations or subscriptions in money or in kind for any war charity, or to raise money for any such war charity by promoting any bazaar, sale, entertainment, or exhibition or by any similar means, unless the war charity is registered or exempted under the Act, and the executive committee of the charitable association approves of the appeal (*Ibid*, sec. 3.) The provisions of the Act do not interfere with collections at Divine Service (Ibid, sec 3 (2)). Certain offences and penalties are constituted by the Act, but consent is required before prosecution (*Ibid.* sec. 10 (2)).

Cheating—

1. *Cards.*—*See* CARDS, 1.

Cheese—

1. *Skimmed Milk Cheese.*—No person can either by himself or through the agency of any other person manufacture, or knowingly buy, sell, offer, expose, or have in his possession for sale, any cheese manufactured from or by the use of skimmed milk, to which has been added any fat which is foreign to such milk (*The Dairy Industry Act,* 1914, ch. 7, sec. 7).

2. *Adulteration.*—No person is allowed either by himself or through the agency of any other person to:—(*a*) Incorporate in a new cheese during the process of its manufacture, any inferior curd or cheese; or (*b*) knowingly sell, expose or have in his possession for sale, without giving due notice thereof, any cheese in which has been incorporated during the process of manufacture any inferior curd or cheese; or (*c*) place in a cheese during the process of its manufacture or at any time thereafter any foreign substance (*The Dairy Industry Act,* 1914, ch. 7, sec. 8). Prosecutions for adulterating cheese in violation of the *Dairy Industry Act,* 1914, can be taken at the place where the cheese was manufactured, packed, sold, offered, exposed or had in possession for sale (*Ibid.,* sec. 17).

3. *Prosecutions.*—The procedure under Part xv. of the Criminal Code is applicable to all prosecutions under the *Dairy Industry Act* (*Ibid.,* sec. 20 (3)). There is a right of appeal within 10 days after the date of the conviction (*Ibid,* sec. 20 (1)). The person *prima facie* liable for violations of the *Dairy Industry Act,* 1914, is the person on whose behalf the cheese is manufactured, sold, offered, exposed, or had in possession for sale contrary to the Act (*Ibid.* sec. 12).

Cheques—

1. *Stamps.*—Cheques must bear a revenue stamp of 2c. (*War Revenue Act,* 1915, ch. 8, sec. 12 (2)). This Act makes it an offence to:—1. Issue a cheque without affixing the stamp (*Ibid,* sec. 12 (2)), or 2. Pay a cheque without such stamp affixed (*Ibid,* sec. 12 (10)); or 3. Omit to cancel such stamp (*Ibid.* sec. 12 (11)).

2. *Definition.*—A cheque is a bill of exchange drawn on a bank, payable on demand (*Bills of Exchange Act,* R. S. C. 1906, ch. 119, sec. 165).

3. *Crossed.*—Where a cheque bears across its face an addition of (*a*) the word "Bank" between two parallel transverse lines, either with or without the words "not negotiable" or

(*b*) two parallel transverse lines simply either with or without the words "not negotiable," such addition constitutes a crossing, and the cheque is crossed *generally* (*The Bills of Exchange Act,* R. S. C. 1906, ch. 119, sec. 168 (1)). Where a cheque bears across its face an addition of the name of a bank, either with or without the words "not negotiable," the addition constitutes a crossing, and the cheque is crossed "specially," and to that bank (*Ibid,* sec. 168 (2)).

Cherries—

1. *Packing.*—All cherries packed in Canada for sale in Canada by the box, must be packed in good and strong boxes of seasoned wood, the inside dimensions of which must be:—length 18 inches, width 14 inches, depth 5½ inches (*Inspection and Sale Amendment Act,* 1918, ch. 29, sec. 1, re-enacting with amendment the *Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 325).

Chief Constable—

1. *Definition.*—Under the Criminal Code a "Chief Constable," includes the Chief of Police, City Marshal, or other head of the police force of any city, town, incorporated village, or other municipality, district, or place, and in the Province of Quebec, the High Constable of the District, and means any constable of a municipality, district or place, which has no chief constable or deputy chief constable (Code, sec. 2 (6)). Deputy Chief Constable is defined by Code, section 2 (9).

2. *Granting Weapon Permits.*—Upon sufficient cause being shown, any chief constable of any city, incorporated town or district municipality can grant an applicant therefor, as to whose discretion and good character he is satisfied, a permit to carry an offensive weapon for such period not exceeding 12 months, as he deems fit (Code, sec. 118 (2)).

3. *Granting Alien Enemy Travel Permit.*—*See* ALIENS.

Children—

1. *Delinquent.*—*See* JUVENILE DELINQUENTS.

2. *Crimes and Offences Against.*—These include: 1, Killing at birth (sec. 251 (2)); 2, killing unborn child (sec. 306); 3, abandoning child under 2 years (sec. 245); 4, neglecting to provide for children under 16 years (sec. 242A); 5, neglect at child birth (sec. 271); 6, concealing dead body of child (sec. 272); 7, carnal knowledge of child under 14 years (sec. 301);

8, attempted carnal knowledge of child under 14 years (sec. 302); 9, abducting or kidnapping child (secs. 297, 315, 316).

3. *Disciplining*:—It is lawful for every parent, or person in the place of a parent, schoolmaster or master, to use force by way of correction towards any child, pupil or apprentice under his care, provided that such force is reasonable under the circumstances (Code, sec. 63).

4. *Age of Consent.*—It is no defence to a charge or indictment for any indecent assault on a young person under the age of 14 years to prove that he or she consented to the act of indecency (Code, sec. 294).

5. *Age of Criminality.*—No child under the age of seven years can be convicted of a criminal offence, as it is an irrebuttable presumption of law that a child under 7 years of age is incapable of committing a crime (see Code, sec. 17). In the case of children of the age of seven but under the age of 14 years such child cannot be convicted of an offence unless he was competent to know the nature and consequences of his conduct, and to appreciate that it was wrong (Code, sec. 18). No one under the age of 14 years can commit rape (Code, sec. 298 (2)).

6. *Evidence.*—In any legal proceeding where a child of tender years is offered as a witness and such child does not, in the opinion of the judge, justice, or other presiding officer, understand the nature of an oath, the evidence of such child may be received, though not given under oath, if, in the opinion of the judge, justice, or other presiding officer, as the case may be, such child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth (*The Canada Evidence Act*, R. S. C. 1906, ch. 145, sec. 16. No case can be decided upon such evidence alone, and such evidence must be corroborated by some other material evidence (*Ibid.*, sec. 16 (2)). In certain prosecutions under Code, sec. 292, for indecent assault or under sections 301, and 302 for carnally knowing or attempting to carnally know a girl under 14, a child's evidence, not under oath, must be further corroborated by some other material evidence in support thereof implicating the accused (Code, sec. 1003).

7. *Proof of Age.*—*See* AGE, 2.

Chinese Immigration—

1. *Restriction.*—Certain restrictions have been placed upon Chinese immigrants entering Canada by the *Chinese Immigration Act,* R. S. C. 1906, ch. 95, as amended. Unless exempt from the provisions of this Act, a Chinese immigrant must pay a head tax of $500 (*Ibid.* sec. 7). Certain immigrants are prohibited, namely, where they are paupers or likely to become a public charge, idiots or insane, suffering from loathsome infections, or contagious disease, or are prostitutes or living on the avails for prostitution (*Ibid.,* sec. 18). Where Chinese are found to have came into Canada illegally they can be deported (*Ibid.,* sec. 7B).

Christian Science—

1. *Criminal Responsibility.*—Every one who is under a legal duty to provide necessaries for his wife is criminally responsible for omitting *without lawful* excuse so to do, if the death of his wife is caused, or if her life is endangered, or her health is or is likely to be permanently injured by such omission (Code, sec. 242 (2)). A conscientious objection to medical treatment because of a belief in the doctrines of the sect known as "Christian Scientists" is not a "lawful excuse" for omitting to provide medicines and medical aid under section 242 of the Criminal Code.

Chloroform—

1. *Administering With Intent.*—Everyone is guilty of an indictable offence and liable to imprisonment for life and to be whipped, who with intent thereby to enable himself, or any other person, to commit, or with intent thereby to assist any other person, in committing an indictable offence, unlawfully applies or administers to or causes to be taken by or attempts to apply or administer to, or attempts or causes to be administered to or taken by, any person, any chloroform, laudanum or other stupefying, or over-powering drug, matter or thing (Code, sec. 276 (b).

Clergymen—

1. *Marrying Persons Contrary to Law.*—Every one is guilty of an indictable offence and liable to a fine, or to one year's imprisonment who being lawfully authorised, knowingly and wilfully solemnizes any marriages in violation of the laws of the province in which the marriage is solemnized (Code, sec. 312).

2. *Crimes and Offences Against.*—These include:—(*a*) Obstructing officiating clergyman holding divine service or burying the dead (Code, sec. 199); (*b*) offering violence to, or arresting upon civil process clergyman going to, performing same, or returning from divine service or burial of dead (Code, sec. 200). It is also an offence to disturb, interrupt, or disquiet an assemblage of persons met for religious worship (Code, sec. 201).

Cocaine—

1. *Improper use.*—The improper use of cocaine and any salt or compound of, is prohibited by the *Opium and Drug Act,* 1911, ch. 17. This Act was passed to suppress the unlawful traffic in opium and other dangerous drugs.

2. *Importation, Manufacture, Sale or Possession.*—Every person who, without lawful or reasonable excuse, imports, manufactures, sells, offers for sale, has in his possession, takes or carries or causes to be taken or carried from any place in Canada to any other place in Canada any cocaine for purposes, other than scientific or medicinal, is guilty of a criminal offence punishable by fine or imprisonment or both (Opium and Drug *Act,* 1911, ch. 17, sec. 3).

3. *Prescriptions, Records, etc.*—Cocaine can be obtained from a druggist on a written order or prescription signed by a duly authorized and practising physician, veterinary surgeon, or dentist. Records are required to be kept of the filling of the prescription, and the sale can only be made once on each prescription, unless the physician, veterinary surgeon, or dentist otherwise prescribes. The prescription can only prescribe cocaine for medical purposes, or for medical treatment of a person who is under professional treatment by such physician, or the drug is to be used for medical purposes in connection with dentists' or veterinary surgeons' practice (*Ib.*, sec. 5).

4. *Crimes and Offences.*—These include:—1. Person unlawfully importing, manufacturing, selling, offering for sale, having in possession or taking or carrying, or causing to be taken or carried from any place in Canada to any other place in Canada any cocaine for purposes other than scientific or medicinal (*Opium and Drug Act,* 1911, ch. 17, sec. 3); 2, any dealer giving, selling or furnishing any cocaine to any person other than, physician, veterinary surgeon, dentist, without a written order or prescription (*Ibid.*, sec. 5); 3, dealer neglecting to make or preserve a proper record of particulars of sale of cocaine (*Ibid.* sec. 5); 4, druggist giving, selling or furnishing any cocaine

except upon a written order or prescription of physician, veterinary surgeon or dentist (*Ibid.*, sec. 5); 5, druggist, without authority of physician, veterinary surgeon or dentist, using any prescription to sell cocaine on more than one occasion (*Ibid.*, sec. 5); 6, druggist neglecting to keep record of sale of cocaine (*Ibid.*, sec. 5); 7, druggist refusing to allow record of sale of cocaine to be examined by police officers (*Ibid.*, sec. 5); 8, physician signing prescription or order other than for medical purposes (*Ibid.*, sec. 5 (2)); 9, person without lawful or reasonable excuse exporting or attempting to export any cocaine to any country which prohibits its entry (*Ibid.* sec. 6).

5. *Search and Seizure.*—Cocaine kept or concealed for any purpose contrary to the Act in any dwelling house, store, shop, warehouse, outhouse, garden, yard, vessel or other place can be seized under a search warrant by day or night (if so specified), and on conviction the cocaine seized can be destroyed (*Opium and Drug Act*, 1911, ch. 17, sec. 8). If no conviction is made owing to no offence having been committed the cocaine can, unless the court otherwise orders, be claimed within 3 months after seizure, unless imported contrary to Customs Act (*Ibid*, sec. 9). After the three months have elapsed unclaimed cocaine can be destroyed (*Ibid.*, sec. 9). Further regulations can be passed by Order in Council (*Ibid*, sec. 13).

6. *Prosecutions.*—If any person charged with an offence against the *Opium and Drug Act*, 1911, ch. 17, pleads or alleges that he imported, manufactured, sold or offered for sale or had in his possession any cocaine in respect of which the offence is charged for scientific or medicinal purposes, the burden of proof thereof is upon the person so charged (*Opium and Drug Act*, 1911, ch. 17, sec. 10). No conviction, judgment, or order, in respect of an offence against this Act can be removed by *certiorari* into any of His Majesty's Courts of Record (*Ibid.*, sec. 12).

Cockfighting—

1. *Encouraging.*—Every one is guilty of an offence and liable on summary conviction before two Justices of the Peace, to a penalty not exceeding $50 or 3 months' imprisonment, with or without hard labour or to both, who in any manner encourages, aids or assists at a cock-fight (Code, sec. 542 (*c*)).

2. *Cock-Pits.*—These are unlawful and the cocks found therein or on the premises can be confiscated and sold for the benefit of the municipality (Code, sec. 543).

Coins—

1. *Crimes and Offences.*—These include:—1, Gilding (Code, 546 (*d*)); 2, clipping (Code, sec. 558); 3, defacing (Code, sec. 559); 4, possessing clippings (Code, sec. 560); 5, counterfeiting, 552 to 564; 6, uttering (Code, secs. 564, 563 (*c*), 565, 566, 567); 7, advertising counterfeit money (Code, sec. 569).

2. *Current Gold or Silver Coin.*—For the purpose of prosecutions of offences relating to coin and counterfeit money current gold or silver coin includes any gold or silver coin of any of His Majesty's Mints; or gold or silver coin of any foreign prince or state or country, or other gold or silver coin lawfully current, by virtue of any proclamation or otherwise, in any part of His Majesty's Dominions (Code, sec. 546 (*a*)).

3. *Current Copper Coin.* For the purpose of prosecutions under the Criminal Code for offences relating to coin and counterfeit money, *current* copper coin includes copper coin coined in any of His Majesty's Mints or lawfully current, by virtue of any proclamation or otherwise in any part of His Majesty's Dominions (Code, sec. 546 (b)). "Copper coin" includes any coin of bronze or mixed metal and every other kind of coin other than gold or silver. (Code, sec. 2 (8)).

4. *Gilding or Silvering.*—This includes casing with gold or silver respectively, and washing and colouring by any means whatsoever with any wash or materials capable of producing the appearance of gold or silver (Code, sec. 546 (*d*)).

5. *Counterfeit Coins.*—These include:—1, Those prepared or altered so as to resemble or pass for any current coin of a higher denomination (Code, sec. 547 (1)); 2, those fraudulently filed or cut at the edges so as to remove the milling, and on which a new milling has been added to restore the appearance of the coin (Code, sec. 547) (2)); 3, any coin false, not genuine (Code, 546 (*c*)). The offence is deemed complete although the coin made or counterfeited or bought, sold, received, paid, tendered, uttered or put off, or offered was not in a fit state to be uttered, or the counterfeiting thereof was not finished or perfected (Code, sec. 548).

Genuine, but Valueless Money.—In the case of coin or paper money which although genuine, has no value as money, it is necessary in order to constitute an offence under part ix. of the Criminal Code respecting coins, that there should be knowledge on the part of the persons charged that such coin or paper

money was of no value as money, and a fraudulent intent on his part in his dealings with or with respect to same (Code, sec. 549). Upon the trial of any person accused of any offence respecting the currency or coin or against the provisions of Part ix. of the Criminal Code relating to coin it is sufficient to prove such general resemblance to the lawful coin as will show an intention that the counterfeit should pass for it (Code, sec. 955). The destruction of counterfeit or false coins is dealt with by section 957 of the Code.

Cold Storage—

1. *Warehouses.*—Establishments in connection with which refrigerating machinery, or ice and salt is used for the purpose of maintaining a temperature of 40 degrees Fahrenheit, or below, and in which articles of food are stored for periods exceeding 21 days, are the subject or regulation and control by the Minister of Agriculture under the *Cold Storage Warehouse Act*, 1914, ch. 22. Refrigerated rooms in hotels, restaurants, dining car services, retail shops, private houses, manufacturing establishments, other than packing houses, refrigerated cars, or refrigerated space in steamships do not come within the provisions regarding warehouses (*Ibid*, sec. 7.) Orders in Council can be passed under this Act to provide proper supervision, licensing, inspection, labelling and marketing of foods stored in cold storage warehouses. (*Ibid*, sec. 4). Penalties are provided for violations of these orders in Council (*Ibid*, sec. 8). The government is permitted to subsidize cold storage warehouses in order to preserve perishable food products or the government can build the warehouse if so desired (*Cold Storage Act*, 1907, ch. 6).

Colour of Right—

1. *In Damages to Property Prosecutions*, a colour of right on the part of the defendant removes the criminal character of the act of damage to property, if the act is done under an honest belief in a state of facts, which if they actually existed would constitute a legal justification or excuse. This is by virtue of section 541 of the Criminal Code which stipulates that nothing shall be an offence under any of the provisions of part viii., dealing with mischief, damage to property, injury to trees, &c., and setting out fires, unless it is done without legal justification or excuse and without colour of right (Code, sec. 541).

2. *Where Accused Has Interest in Property.*—Where the offence consists in an injury to anything in which the offender

has an interest, the existence of such interest, *if partial,* does not prevent the act being an offence, and if *total,* does not prevent the act being an offence if done with intent to defraud (Code, sec. 541 (2)).

3. *Definition.*—Is an honest belief in a state of facts, which if such state of facts actually existed, would be a legal justification or excuse, because that takes away from the act its criminal character. The expression is to be found in sections 57, 58, 347, and 709 of the Criminal Code. In the case of an assault in which any question of title to land is involved the justice has no jurisdiction, as this is taken away by section 709 of the Criminal Code.

Committal for Trial—

1. *Indictable Offences.* The word "committal," signifies the act of a Magistrate, issuing a "warrant of commitment." A justice of the peace holding a preliminary enquiry into an indictable offence, must commit the accused for trial, if he is of the opinion that the evidence is sufficient to put him on his trial (Code, form 22, sec. 690). Where the evidence given at the preliminary enquiry, is, in the opinion of the Justice, sufficient to put the accused on his trial but does not furnish such a strong presumption of guilt as to warrant the accused's committal for trial the justice holding the preliminary, can, with the aid of another justice, take the recognisances of the accused and his two sureties, conditional for his appearance at the time and place of trial, there to surrender himself into the custody of the court, take his trial and not depart the court without leave (Code, sec. 696). If in these circumstances offence is punishable with less than five years' imprisonment one justice can take the recognisance alone (Code, form 28, sec. 696 (2)).

Common Law—

1. *Crimes and Offences.* The common law is not abrogated by the Criminal Code of Canada. It is still applicable in cases for which no provision has been made in the Code, and this applies both to prosecution and defence. It is specially provided by the Criminal Code that all *rules* and *principles* of the Common Law which render any circumstances a justification or excuse for any act, or a defence to any charge, shall remain in force and be applicable to any defence to a charge under the Criminal Code, except in so far as they are altered by or are

inconsistent with the Criminal Code of Canada (Code, sec. 16). Examples of provisions in the Code which abrogate the Common Law rule are to be found in secs. 21 and 70.

Common Nuisance—

1. *Definition.*—A common nuisance is an unlawful act or omission to discharge a legal duty which act or omission endangers the lives, safety, health, property, or comfort, of the public, or by which the public are obstructed in the exercise or enjoyment of any right common to all His Majesty's subjects (Code, sec. 221). A common nuisance can be either: 1, Criminal; or 2. Non-criminal. A *criminal* common nuisance is a common nuisance which is made criminal, *i.e.* prohibited under pain of punishment by fine or imprisonment and would include, not only those which are specifically prohibited under pain of penalty by fine or imprisonment, but also any common nuisance which endangers the lives, safety or health of the public or which occasions injury to the person of any individual (Code, sec. 222). A non-criminal nuisance is one which is not prohibited under pain of penalty by fine or imprisonment. It may nevertheless be indictable, although not a criminal offence, and proceedings or judgment may be taken and had to abate or remedy the mischief done by such nuisance to the public right (Code, sec. 223).

Companies—

1. *Dominion Joint Stock.*—These are subject to regulation and control under the Companies Act, R. S. C. 1906, ch. 79. The Secretary of State for Canada can by letters patent under his seal of office grant a charter to any number of persons, not less than five, who apply therefor, constituting such persons and others who have become subscribers to a memorandum of association, and who thereafter become shareholders in the company, a body corporate and politic, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, except the construction and working of railways, or of telegraphs or telephone lines, the business of insurance, the business of a loan company, and the business of banking and the issue of paper money (*Ibid.*, sec. 5).

2. *British and Foreign Mining Companies.*—Any Joint Stock Company or Corporation duly incorporated under the laws of the parliament of the United Kingdom, or under the laws of any foreign country for the purpose of carrying on

mining operations, can, on receiving a license from the Secretary of State of Canada, carry on mining operations in certain parts of Canada (*The Dominion Companies Act,* R. S. C. 1906, ch. 79 sec. 269) .

3. *Dominion Loan Companies.*—These are incorporated under the *Loan Companies Act,* 1914, ch. 40. This Act replaces the provisions of the Companies Act R. S. C. 1906, ch. 79, respecting the charters of loan companies, and since 12th June, 1914, these companies are formed and operated under the *Loan Companies Act,* 1914. British loan companies wishing to operate in Canada must secure a license from the Secretary of State for Canada, under the Companies Act (part iv.)

4. *Dominion Trust Companies.*—These are incorporated under the *Trust Companies Act,* 1914, ch. 55. This Act replaces the provisions of the Companies Act R. S. C., 1906, ch. 79, respecting the charters of Trust Companies, and since June 12, 1914, these companies are formed and operated under the *Loan Companies Act,* 1914.

Complaint—

1. *Issue.*—The term is applied in criminal procedure to the form of information and complaint, by which criminal proceedings are commenced. The authority for the issue of an information is under section 654 of the Criminal Code, which provides that anyone who, upon reasonable and probable grounds, believes that any person has committed an indictable offence under the Criminal Code may make a complaint, or lay an information, in writing, and under oath, before any magistrate or justice, having jurisdiction, to issue a warrant or summons against such accused person in respect of such offence (form 3). In summary conviction matters, under section 710, it is not necessary (but it is always advisable), that a complaint upon which a justice may make an order for the payment of money or otherwise, shall be in writing, unless it is so required by the particular Act or law upon which the complaint is founded. It is worthy of note that section 710 deals with summary matters only, and provides: 1, that an information in such matters can be made without oath or affirmation unless specially required by some other Act; 2, that an information in such matters shall only cover one offence; 3, that an information in such matters can be laid by the person himself, his counsel, or a person authorized by him (sec. 710).

2. *Form.*—It is advisable that the information and complaint should be well drawn up. An information and complaint in a summary matter should contain: 1, Informant's name; 2, informant's occupation and address; 3, date and place where laid; 4, name and style of justice; 5, name, address and occupation of person charged, or, if unknown, some description of person to be identified; 6, a concise legal description of the offence charged, so that there is present all the requirements of the statute, including recitals of previous convictions where the information is for a second and subsequent offence. It should be noted that in offences dealing with liquor and houses of ill-fame, that the street number and exact location must appear in the information, and a conviction made on a faulty information in this respect will be quashed on appeal.

Compounders—

1. *Licensing and Control.*—A license to carry on the business of, and to act as, a compounder can be granted to any person who has complied with the provisions of the Dominion *Inland Revenue Act*, 1906, R. S. C. ch. 51, provided the license has been approved by the District Inspector, and the person has jointly with a guarantee company, approved by the Department of Inland Revenue, entered into a bond to His Majesty in the sum fixed by law (*The Inland Revenue Act*, R. S. C. 1906, ch. 51, sec. 188).

Compounding Offences—

1. *Criminal Actions.*—It is an indictable offence for a person, who, having once brought an action against any person under any penal statute in order to obtain from him any penalty, compounds, *i.e.*, agrees not to prosecute, the said action, without first obtaining the order or consent of the court (Code, sec. 181.)

Concealing—

1. *Arms.*—Concealing arms with intent to evade the provisions of part iii, of the Criminal Code, after proclamation has been issued requiring their delivery up, is an offence under section 147 of the Criminal Code.

2. *Birth.*—The disposition of the dead body of a child, in any manner, with intent to conceal the fact that its mother was delivered of it, whether the child died before, or during or after birth is an indictable offence punishable with 2 years' imprison-

ment (Code, sec. 272). On an indictment for murder a conviction can be had of concealment of birth (Code, sec. 952).

3. *Deeds, Wills, &c.*—The concealment by a vendor or his solicitor, of any settlement, deed, will, or any other instrument material to the title, or any pedigree upon which the title depends, with intent to defraud, and in order to induce such purchaser or mortgagee to accept the title offered or produced to him, is an indictable offence (Code, sec. 419). It is required to obtain the consent of the Attorney-General, after previous notice to the person intended to be prosecuted (Code, sec. 597). It is also an offence under the Criminal Code to destroy, cancel, conceal, or obliterate any documents of title to goods or lands, any valuable security, testamentary instrument, or judicial, official, or other document for any fraudulent purpose (Code, sec. 396).

4. *Women or Girls in Bawdy House.*—It is an offence under the Criminal Code of Canada to knowingly conceal any woman or girl in any common bawdy or assignation house (Code, sec. 216 (*c*)). A search warrant can be issued for the search of any woman or girl believed to have been inveigled or enticed to a house of ill-fame or assignation (Code, sec. 640).

5. *Drift Timber.*—Any person who, without the consent of the owner thereof, fraudulently conceals or assists in concealing timber or lumber found adrift, or ashore on river bank, or beach, or in certain harbours, commits an indictable offence (Code, sec. 394).

6. *Gold and Silver.*—Any person who with intent to defraud his co-partner, co-adventurer, joint-tenant, or tenant in common, in any mining claim, or in any share or interest in any such claim, secretly keeps back or conceals any gold or silver found in or upon or taken from such claim, commits theft (Code, 353.)

Confessions—

1. *Admissible.*—The prosecution in a criminal case can give in evidence any admission or confession, or other statement, made at any time by the person accused or charged, which by law, would be admissible as evidence against him (Code, sec. 685). A confession to be admissible in law, must have been given voluntarily, and not under fear of any threat or under hope of any promise. The onus of proving that the alleged confession was not made under any inducement or

threat is on the Crown. The arrest of the accused is itself considered an inducement to make the statements and therefore sufficient to bar the reception where no proper caution or warning was given.

Consent—

1. *Prosecutions.*—The consent of certain particular individuals, *e.g.*, the Attorney General of Canada, or of any province, the Minister of Marine and Fisheries and others, is required before any person can be prosecuted criminally under certain statutes. It is required in prosecutions for:—1, Communicating official secrets (Code, sec. 592); 2, judicial corruption (Code, sec. 593); 3, making explosives (Code, sec. 594); 4, sending unseaworthy ship to sea (Code, sec. 595); 5, criminal breach of trust (Code, sec. 596); 6, fraudulent acts of vendor or mortgagor (Code, sec. 597).

2. *Age of Consent.*—*See* AGE, 1.

3. *Death With Consent.*—No one has a right to consent to the infliction of death upon himself. If such consent is given, it has no effect upon the criminal responsibility of any person by whom such death may be caused (Code, sec. 67). It is an offence to counsel, or procure any person to commit suicide, actually committed in consequence of such counselling or procurement, or to aid or abet any person in the commission of suicide. (Code, sec. 269).

4. *Speedy Trial.*—Every person committed to gaol for trial on a charge of being guilty of any of the offences which are mentioned in section 582 of the Criminal Code as being within the jurisdiction of the General or Quarter Sessions of the Peace, may with his consent be tried in any province of Canada, and if convicted, may be sentenced by the Judge convicting him (Code, sec. 825). If the accused is remanded for trial under section 696 of the Code instead of being committed for trial he has the same privilege of being tried, speedily, with his consent (Code, sec. 825 (4).)

5. *Summary Trial.*—Consent of the accused to be summarily tried under Code part xvi for an indictable offence, is, with certain exceptions, absolutely necessary, in order to obtain jurisdiction (Code, secs. 777, 778). The exceptions are:—1, Keeping a disorderly house (Code, sec. 774); 2, being an inmate or habitual frequenter of a bawdy house (Code, sec. 774); 3, all offenders under sec. 773, committed by or against

transient seamen in ports of Canada (Code, sec. 775); 4, all offences mentioned in sec. 773, when tried and committed in Alberta, N. W. Territories, Yukon Territory, British Columbia, P. E. Island and Saskatchewan (Code, sec. 776). In these exceptional cases the jurisdiction is absolute and does not depend upon the accused giving his consent.

6. *Child Under 14 to Act of Indecency.*—It is no defence to a charge or indictment for any indecent assault on a young person under the age of 14 years to prove that he or she consented to the act of indecency (Code, sec. 294).

7. *Abduction of Girl Under 16 Years.*—It is immaterial whether the girl is taken with her own consent or at her own suggestion or not, where the accused unlawfully takes or causes to be taken any unmarried girl, under the age of 16 years, out of the possession of and against the will of her father or mother, or of any other person having the lawful care or charge of her (Code, sec. 315).

Conspiracies—

1. *Treason.*—It is treason to conspire to levy war against His Majesty with intent to depose him or to compel His Majesty to change his measures or counsels, or in order to intimidate or overawe both Houses or either Houses of Parliament of the United Kingdom or Canada, by force (Code, sec. 74 (*g*)). The act of conspiring is an "overt" act (Code, sec. 75).

2. *Intimidating Legislatures.*—It is an indictable offence for any person to confederate, combine or conspire with any person to do any act of violence in order to intimidate, or to put any force or constraint upon any Legislative Council, Legislative Assembly or House of Assembly (Code, sec. 79).

3. *Sedition.*—A seditious conspiracy is an agreement between two or more persons to carry into execution a seditious intention. (Code, sec. 132). It is an offence punishable with 20 years' imprisonment to be a party to any such conspiracy (Code, sec. 134).

4. *Murder.*—It is an offence to conspire or agree with any person to murder or cause to be murdered any other person, whether the person intended to be murdered is a subject of His Majesty, or not, or is within His Majesty's Dominions or not (Code, sec. 266).

5. *Defraud.*—It is an offence to conspire with any other person by deceit or falsehood, or other fraudulent means, to

defraud the public or any person, ascertained or unascertained, or to affect the public market price of stocks, shares, merchandise, or anything else publicly sold, whether such deceit or falsehood or other fraudulent means would or would not amount to a false pretence defined by the Criminal Code (sec. 444).

6. *Commit Indictable Offences.*—It is an offence to conspire with any person to commit any indictable offence (Code, sec. 573).

7. *Restraining Trade.*—It is an offence for two or more persons to enter into an agreement to do or procure to be done an unlawful act in restraint of trade, *e.g.*, to limit transportation facilities, to restrain commerce, to lessen manufacturing, to lessen competition (Code, secs. 496, 498). It must be remembered, however, that the purposes of a trade union are not unlawful though they may have the same effect. No prosecution can be maintained against any person for conspiracy in refusing to work with or for any employer or workmen, or for doing any act, or causing any act to be done for the purpose of a trade combination, unless such act is an offence punishable by statute. (Code, secs. 497, 590).

Constables—

1. *Chief.*—A chief constable for the purpose of the Criminal Code of Canada includes the Chief of Police, City Marshal, or other head of the police force of any city, town, incorporated village or other municipality, district or place, and in the Province of Quebec, the High Constable of the district, and means any constable of a municipality, district or place which has no Chief Constable or Deputy Chief Constable (Code, sec. 2 (6)).

2. *Deputy Chief.*—This includes for the purposes of the Criminal Code, the Deputy Chief of Police, Deputy or Assistant Marshal or other deputy head of the Police Force of any city, town, incorporated village, or other municipality, district or place, and in the Province of Quebec, the Deputy High Constable of the District (Code, sec. 2 (9)).

3. *Personating.*—Every person who falsely represents himself to be a constable or other peace officer who not being a constable or other peace officer, makes use of any badge or article of uniform or equipment in such manner as is likely to makes persons believe that he is a constable or other peace officer, is liable on summary conviction to a fine not exceeding

$100 and costs or 3 months' imprisonment or both fine and imprisonment (Code, sec. 169 A)).

4. *Fees.*—These are fixed by the Criminal Code, sec. 770, so far as regards all matters coming within the Criminal Code of Canada (Code, sec. 770).

5. *Arrest Without Warrant.*—A peace officer can arrest, without warrant, any one who *has committed* any of the offences mentioned in Criminal Code, sections:—74, 76, 77, 78, 79, 80, 81, 85, 86, 92, 96, 97, 112, 129, 130, 137, 138, 139, 185, 187, 189, 190, 202, 263, 264, 267, 268, 270, 273, 274, 276, 279, 280, 282, 283, 286, 299, 300, 301, 313, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 371, 372, 379, 380, 381, 382, 383, 384, 386, 388, 390, 391, 396, 398, 399, 405, 406, 410, 446, 448, 449, 450, 451, 452, 453, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 467, 468, 469, 470, 472, 478, 471, 479, 480, 510, 511, 512, 513, 514, 517, 520, 521, 522, 523, 525, 526, 536, 542, 543, 550; 552, 555, 556, 558, 560, 561, 562, 563 (*a*), 563 (*b*), 563 (*d*), 567. (Code, sec. 647). A peace officer may also arrest without warrant, any one whom he *finds* committing any criminal offence (Code sec. 648 (1)). A peace officer may arrest, without a warrant, any person who he has good cause to suspect of having committed or being about to commit any of the offences respecting procuring mentioned in section 216 of the Criminal Code (Code, sec. 652 (*a*)).

Contagious Diseases—

1. *Animals.*—*See* AGRICULTURE 3.

Constables' Duties—

1. *General Duties.*—The constable, when on duty, is responsible for the security of life and property, and for the preservation of the peace and general good order in his district. He should—(1) make himself acquainted with all parts of the cities, towns, villages and settlements in such district; (2) possess such a knowledge of the inhabitants as will enable him to recognize their persons; (3) be civil and courteous to every member of the public, rich and poor; (4) pay attention to foreigners and strangers; (5) visit all pool rooms, theatres, and other licensed places for the purpose of observing all breaches of the law; (6) visit his district periodically and especially in towns, cities, and villages, the business section; (7) be vigilant to detect burglary, housebreaking, or the entering of premises by day or night, and inform the occupier of any premises which he

finds insecure, and (8) mark all places likely to be attempted by thieves, and if the marks are disturbed, he should ascertain the cause. A constable should not enter any house, while on duty, except in the execution of his duty, and then only with a proper warrant, nor loiter on duty, or engage in conversation except on matters relative to his duty.

2. *Suspected persons.*—A constable should watch the conduct of known offenders and persons of bad character, and should keep in mind that the prevention of crime—the great object of all the exertions of a constable—will be best attained by making it evident to such parties that they are known, and strictly watched, and that certain detection will follow any attempt to commit a crime. Brothels, low lodging houses, haunts of thieves, and houses frequented by disreputable persons, ought to be well known and a close watch kept upon them. He should watch women who go about followed by thieves and disreputable persons, and if he finds a prostitute or thief decoying a drunken person in to any back place he should follow them, and warn such person of his danger.

3. *Fires.*—A constable should exert himself in every way likely to be most useful, endeavoring to be first on the spot and see that all inmates are out of the house, keeping space for the fire engines, assisting in removing property, and helping members of the fire brigade, preventing robbery, and remaining until the fire is out and later, if any good purpose could be served by doing so.

4. *Public Meetings.*—Where public meetings or entertainments are held the constable should be outside, unless called inside to preserve order. He should however see that all gangways and places of ingress, and egress, are kept clear and that the law in respect of overcrowding such places is adhered to by those in charge.

5. *Arrival of Boats and Trains.*—A constable should attend and be present at the arrival of all boats and trains and should note public vehicles with passengers, not only to observe the persons departing or arriving by them, but to render such persons any assistance or protection.

6. *Streets and Highways.* A constable is authorized to interfere when a crowd of persons, standing together on the footway, obstruct the free passage of the thoroughfare. In such cases he should be both civil and courteous in his manner when requesting the parties to move on. If they persist in remaining and

otherwise obstruct the highway, their names and addresses should be taken as well as that of a witness, and the parties should be summoned to appear before a magistrate, where an offence has been committed. Cities, towns and villages have, through their council, power to pass by-laws regulating streets and highways within their limits. The constable should be familiar with all such by-laws. Persons who negligently or furiously drive horses, automobiles and other conveyances, to the danger of the public, should be summoned. It is advisable in the case of street or by-law offences to caution the parties first and, if they persist in violating the law, they should be prosecuted vigorously.

7. *Memorandum Book.*—A constable should never be without a memorandum book, and a pencil, and note down any offences or important matters which come under his observation. Names should be taken down accurately, and should include both christian and surnames, and any aliases. These notes should never be destroyed as they are the original entry, and may be referred to in giving evidence, for the purpose of refreshing the memory. The memory should be refreshed before going into court, not afterwards.

8. *Creed.*—Every constable should bear in mind that it is his duty and privilege: to protect — not oppress the public; to earnestly and systematically exert himself to prevent crime; to lose no time, nor spare any exertions, to discover and bring to justice offenders; to obtain a knowledge of all reputed thieves, loose, idle, and disorderly persons; to watch narrowly all persons having no visible means of support, and repress vagrancy; to be impartial in discharge of duties, discarding all political and sectarian prejudices; to be cool and intrepid in the discharge of his duties, in emergencies and unavoidable conflicts; to avoid altercations, and display perfect command of temper under insult and provocation; to strike but in self-defence, and treat a prisoner with no more rigour than may be absolutely necessary to prevent escape; to treat with utmost civility both in words, manner and tone of voice, all classes of the public and cheerfully render assistance to all in need of it; to exhibit great deference and respect to all magistrates, judges, superiors and officials, due to their office; to promptly and cheerfully obey orders, and render honest, faithful and speedy account of all monies and property, whether intrusted for others, or taken possession of in the execution of duty, and finally, to be neat and clean, and smart in person and attire.

Contempt—

1. *Before Magistrates.*—Every Judge of the Sessions of the Peace, Chairman of the Court of General Sessions of the Peace, Police Magistrate, District Magistrate or Stipendiary Magistrate has such and the like powers and authority to preserve order in court held by him *during the holding thereof,* and by the like ways and means, as now by law, are or may be exercised and used in like cases, and for the like purposes by any Court in Canada,or by the Judges thereof during the sittings (Code, sec. 607). This does not include a Justice of the Peace.

2. *By Witness.*—On *preliminary hearing* a Justice has power to proceed against a defaulting witness. If the person summoned as a witness at the preliminary is brought before the Justice on a warrant issued in consequence of refusal to obey the summons the defaulter can be detained on the warrant with a view to securing his attendance as a witness on the day fixed for the trial or he can be released on recognisance. The Justice can also examine into and dispose of the charge of contempt and if found guilty the defaulter can be fined an amount not exceeding $20 or imprisoned (without hard labour) for a term not exceeding 1 month, or may be both fined and imprisoned, and have to pay the costs incident to the service and execution of the summons and warrant and of his detention in custody (Code, sec. 674) (Form 13). In *speedy trial* cases, the Judge can punish a defaulting witness. Upon proof to the satisfaction of the Judge of the service of a subpœna upon any witness who fails to attend before him as required by such subpœna, and upon such Judge being satisfied that the presence of such witness before him is indispensible to the ends of justice he can, by his warrant, cause the said witness to be apprehended and forthwith brought before him to give evidence as required by such subpœna, and to answer for his disregard for same. The witness may be detained in custody or allowed out on recognisance, and the Judge can examine into and dispose of the charge of contempt and may fine and imprison the witness, the total punishment not to exceed $100 fine and ninety days with or without hard labour and costs of warrant and detention (Code, sec. 842, forms 62, 13).

3. *Disobeying Court Orders.*—Everyone is guilty of an indictable offence and liable to one year's imprisonment who, without lawful excuse, disobeys any lawful order other than for payment of money, made by any court of justice, or by any

person or body of persons authorised by any statute to make or give such order, unless some penalty is imposed or other mode of proceeding is expressly provided by law (Code, sec. 165).

Convicts—

1. *At Large While Under Sentence.—See* ESCAPE.

Corrosive Fluid—

1. *Throwing With Intent.*—Any person who unlawfully puts or lays at any place, or casts or throws at or upon, or otherwise applies to any person any corrosive fluid, or any destructive or explosive substance, is guilty of an indictable offence and liable to life imprisonment if the same is done with intent to burn, maim, disfigure, or disable, any person, or to do grievous bodily harm to any person whether bodily harm is effected or not (Code, sec. 280).

Convictions—

1. *Minute.*—The act of a legal tribunal adjudging a person guilty of a criminal offence. There must always be some record of a conviction. It is usual to make a minute of conviction and from that prepare a formal conviction. In summary matters every justice who convicts must, under section 727 of the Criminal Code of Canada, make up a formal conviction, and he may, and should, in all cases make a minute of conviction as provided in said section. The forms of conviction vary according to the circumstances of each particular case, depending a good deal on whether the conviction is for a first, second or third offence. The forms are contained in Criminal Code forms 31, 32 and 33.

2. *Form.*—The following points should be particularly noted: 1, Convictions must be under seal; 2, variation between conviction and minute of adjudication may be a ground for quashing same; 3, amendments to the minute of conviction can be made by bringing accused before the justice, before a formal conviction is made out; 4, the evidence necessary to sustain a conviction must be reasonably sufficient and certain to show that the offence charged has been actually committed; 5, a formal conviction may be drawn up at any time before return on *certiorari;* 6, a conviction may be amended; 7, the place for filing a conviction is the court office; 8, in the case of second and subsequent offences the conviction and information, to be regular, must recite the previous convictions; 9, the offence must have been committed within the time limit; 10, blanks should not be left in

minutes of adjudications of convictions; 11, the justice has power to discharge the offender on suspended sentence, but only in cases under section 729 of the Criminal Code of Canada. In the case of summary trials of indictable offences, a conviction for such has the same effect as if the conviction were made on indictment. The form of conviction to use in such cases is form 55, under section 799. As to what invalidates a conviction, and what does not, see section 1124 of the Criminal Code and the decisions made thereunder.

Coroner—

1. *Court.*—Is a King's officer. His powers and duties are regulated by the Coroner's Act, and also by section 667 of the Criminal Code. A coroner's court is a court of record. A coroner's inquest is invalid if held on a Sunday. As to the procedure and general practice in coroner's court, see Boys on Coroners, and McMahon's Practical Guide to the Coroner.

Corroboration—

1. *Necessity for.*—This is evidence in support of the principal evidence. Under section 1002 of the Criminal Code of Canada, no person accused of any offence under the sections mentioned therein, is to be convicted upon the evidence of one witness, unless the evidence of such witness is corroborated in some material particular by evidence implicating the accused. It is to be noted however that the word "conviction" is used, and this would not include a preliminary enquiry. The result is that a committal for trial can be made on uncorroborated evidence required by this section of the Criminal Code. Under the *Canada Evidence Act* the evidence of a child, not under oath, must in any event be corroborated.

Costs—

1. *Costs on Conviction* (sec. 735). All costs awarded against a defendant on conviction, must be ordered to be paid, to the informant, and not to the justice, otherwise the conviction may be invalid. The costs are those contained in tariff section 770, and no others. These when ordered are recoverable under section 737. A distress warrant issued under sections 738 and 741 can be used for costs.

2. *Costs on Dismissal* (sec. 736).—The prosecutor or complainant may be ordered to pay costs on dismissal of the information laid by him. On a dismissal they cannot be ordered against

the defendant. Distress, and in default, commitment under section 742 are applicable to such costs.

3. *Costs on Appeal.*—The costs in such cases depends on whether the cases are prosecuted or not, on appeal. Where the prosecutor does not prosecute an appeal, application can be made to the court for costs, and this application may be made on the day when the case would have in the ordinary course of events, been heard. This application is made under section 755. Proof must be produced of the notice of appeal having been served. Where the prosecutor prosecutes his appeal and fails, costs should be applied for by the respondent immediately at the conclusion of the case under section 758. If no order is made for costs on appeal then the justice will be compelled to proceed under section 756, and the costs will be limited to those allowed on summary conviction. Where a special order as to costs is made under section 758, then such costs can be recovered speedily under section 759. Where the appeal is abandoned this is dealt with by section 760. Notice of abandonment must be given in writing six days clear, before the sitting of the court, and if this is not done the order under section 755, where the appeal is not prosecuted, would apply.

4. *Costs on Indictment.*—These are dealt with in section 1044 of the Code, and under it any court, or judge, or magistrate under Part XVI, by whom judgment is pronounced or recorded upon conviction for an indictable offence, including those under section 773 of the Code, can award costs. The amount of such costs is entirely within the discretion of the court, there being no tariff, but under section 1047 they are taxable according to the lowest scale of costs in a civil suit, in a superior court, and they should be reasonable within this section. As to assault cases, special provision is made in section 1046, and where the conviction is on indictment, then that section should be followed.

5. *Forms.*—Those used in recovery of costs are: Dismissal of summary conviction, form 45; summary conviction, form 39; appeal from summary conviction, forms 52, 53 and 54.

Counts—

1. *Form and Contents.*—A count is part of an indictment in a criminal charge and must contain in substance a statement that the accused has committed some indictable offence therein specified. This statement may be in popular language without the use of technical words, or it may be in the words of the

statute describing the offence, or in any words sufficient to give the accused notice of the offence with which he is charged (Code, sec. 852, Form 64). The details of the circumstances of the alleged offence sufficient to give the accused reasonable information as to the act or omission to be proved against him and to identify him with the transaction referred to therein, should be given. It should apply only to one single transaction and refer to the section or sub-section of the statute creating the offence (Code, sec. 853).

2. *Joinder.*—Any number of counts for any offence whatever may be joined in the same indictment, but must be distinguished in the manner set out in Form 63 of the Criminal Code. In a count charging murder no count charging any offence other than murder shall be joined (Code, sec. 856).

3. *Separation.*—When there are more counts than one in an indictment each count may be treated as a separate indictment. The court, if it thinks it conducive to the ends of justice, may direct that the accused be tried upon any one or more of such counts separately. In theft cases, unless there be special reasons, no order is to be made preventing the trial at the same time of any number of distinct charges of theft, not exceeding three, alleged to have been committed within six months from the first to the last of such offences whether against the same person or not (Code, sec. 857). The order for trial upon one or more counts separately can be made either before or in the course of the trial, and if it is made in the course of the trial the jury must be discharged from giving a verdict on the counts on which the trial is not to proceed. The counts in the indictment as to which the jury are so discharged can be proceeded upon in all respects as if they had been found in a separate indictment (Code, sec. 858).

4. *Objections*—A count is not objectionable or insufficient simply if it omits the statements, mentioned in section 855 of the Code (Code, sec. 855).

Counterfeiting—

1. *Crimes and Offences.*—These include the counterfeiting of government seals (sec. 472), seals of court (sec. 473), stamps (sec. 479), gold and silver coin (sec. 552), copper coin (sec. 562). In addition to these offences there are the cognate offences of:—1, Dealing in and importing counterfeit coins, etc. (sec. 553); 2, manufacturing of copper coins (sec. 554); 3, exportation

of counterfeit coin (sec. 555); 4, making instruments for coining (sec. 556); 5, bringing instruments for coining from mints into Canada (sec. 557); 6, possessing counterfeit coin (sec. 561); 7, uttering counterfeit gold and silver coins (sec. 564); 8, uttering counterfeit copper coin (sec. 565); 9, advertising counterfeit money (sec. 569). (*See also* COIN).

2. *Search, Seizure and Destruction.* — A search warrant under section 629 of the Criminal Code can be issued in connection herewith. If under such warrant there is brought before any justice, any counterfeit coin or other thing the possession of which, with knowledge of its nature and without lawful excuse, is an indictable offence under Part IX of the Criminal Code respecting coinage offences, every such thing so soon as it has been produced in evidence, or so soon as it appears that it will not be required to be so produced, must forthwith be defaced or otherwise disposed of as the Justice or the Court directs (Code, sec. 632 (2)). If any false or counterfeit coin is produced on any trial for an offence against the provisions of Part IX. of the Criminal Code respecting coinage offences the Court must order the same to be cut in pieces in open Court, or in the presence of a Justice and then to be delivered to or for the lawful owner thereof if such owner claims the same (Code, sec. 957).

3. *Evidence.*—When upon the trial of any person it becomes necessary to prove that any coin produced in evidence against such person is false or counterfeit, it is not necessary to prove the same to be false and counterfeit by the evidence of any moneyer or other officer of His Majesty's mint, or other person employed in producing the lawful coin in His Majesty's Dominions or elsewhere, whether the coin counterfeited is current coin, or the coin of any foreign prince, state or country, not current in Canada, but it is sufficient to prove the same to be false or counterfeit by the evidence of any witness (Code, sec. 980). It must be remembered that any genuine coin prepared or altered so as to resemble or pass for any current coin of a higher denomination is a counterfeit coin (Code, sec. 547 (1)). Further, a coin fraudulently filed or cut on the edges so as to remove the milling, and on which a new milling has been added to restore the appearance of the coin, is a counterfeit coin (Code, sec. 547 (2)).

4. *When Complete.* — Every offence of making any counterfeit coin or of buying, selling, receiving, paying, tendering, uttering or putting off or of offering to buy, sell, receive,

pay, utter or put off, any counterfeit coin is deemed to be complete although the coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered or put off, or offered to be bought, sold, received, paid, tendered, uttered or put off, was not in a fit state to be uttered, or the counterfeiting thereof was not finished or perfected (Code, sec. 548).

Court Records—

1. *Stealing.*—Everyone is guilty of an indictable offence and liable to three years' imprisonment who steals the whole or any part of any record, writ, return, affirmation, recognizance, *cognovit actionem*, bill, petition, answer, decree, panel, process, interrogatory deposition, affidavit, rule, order, or warrant of attorney or any original document whatsoever, of or belonging to any Court of Justice, or relating to any cause or matter begun, depending or terminated in any such Court, or of any original document in any wise relating to the business of any office or employment, under His Majesty, and being or remaining in any office appertaining to any Court of Justice or in any government or public office (Code, sec. 363).

2. *Uttering False Copy.*—Any officer having the custody of the records of any Court, or his deputy, wilfully uttering a false copy or certificate of any record is guilty of an indictable offence and liable to seven years' imprisonment (Code, sec. 482 (*c*)).

3. *False Signatures.*—Any person, who, not being the officer having the custody of the records of any court, or his deputy, fraudulently signs or certifies any copy of certificate of any record, or any copy of any certificate, as, if he were such officer or deputy, is guilty of an indictable offence and liable to seven years' imprisonment (Code, sec. 482 (*d*)).

4. *Counterfeiting Seals of Court.*—*See* COUNTERFEITING

5. *Forgery of Court Documents.*—Every one who commits forgery of any record of any Court of Justice or any document whatever belonging to or issuing from any Court of Justice, or being or forming part of any proceeding therein, or any document made or issued by any Judge, officer or clerk of any Court of Justice or any document upon which, by the law or usage at the time in force, any Court of Justice or any officer might act or, any document which any magistrate is authorized or required by law to make or issue, or any document to be given in evidence as a genuine document in any judicial proceeding, is guilty of an indictable offence and liable to seven years' imprisonment if the

document forged purports to be or was intended by the offender to be understood to be used as genuine (Code, sec. 470).

Crime Reports—

1. *Form.*—Crime reports are important criminal records. A crime report on any case should give: 1st, a complete history of the case from its inception to its conclusion; 2nd, every action on the part of the police in connection therewith; 3rd, statements of witnesses.

The duty of the police is to supply all evidence available, and if it has not been done at the preliminary hearing, further evidence should be procured and a carefully prepared crime report forwarded thereon. There is a tendency to rest satisfied when an accused person has been committed for trial.

Separate crime reports should be submitted for each case handled. Where two or more persons are charged jointly with the same offence, and tried together, separate reports for each person are not necessary, but where there are several charges against one person, or when, during the investigation of one charge, another offence committed by the same person is disclosed, and a charge laid, separate crime reports for each charge should be rendered.

Whenever a complaint of a criminal nature is received, a crime report should immediately be rendered, and any subsequent information which has any bearing on the case must also be sent in the form of a crime report. On no account should such information be submitted in the form of a letter. A proper crime report should be made out.

In many cases where enquiries are made regarding persons missing, lost stock, sudden and accidental deaths, and other matters not of a criminal nature, the reports submitted are headed "Crime Report." Such reports should in all cases be made out in a similar form to a crime report—not a letter—but headed "Report" only.

All crime reports should be dated, and when subsequent crime reports are rendered the date of previous reports should be correctly given in the margin. The first report should state in margin, "P.C.R., none."

As it is most important, for the purpose of filing and reference, that all crime and other reports should be given a proper and distinctive heading, the following rules should be observed:—

(*a*) Where there is reason to suspect any particular person of having committed the crime, his name in all cases should be

inserted in the heading, followed by the nature of the offence, which should be given as shortly as possible, thus: "Re Tom Jones—Theft, by taking."

(*b*) Where the identity of the perpetrator is unknown, the name of the complainant is to be shown as follows: "Re Complaint of John Smith—Alleged theft of wagon," or "Re Murder of John Doe, at Saratoga."

In cases of reports other than criminal, or where the above rules will not apply, the heading should be made as distinctive as possible, in order to identify it with the particular case referred to. A general heading which might suit any one of a dozen similar cases is valueless.

It is unnecessary to include in the headings the address of the complainant or accused, a detailed description of articles stolen, the section of the Criminal Code under which a charge is laid, etc., etc. The heading should be as short as possible, and these particulars included in the body of the crime report.

Care should be taken to adopt a suitable heading for the first crime report in each case. This heading should not be changed unless absolutely necessary. If found unavoidable to do so, the old heading should be placed underneath the new one, in parenthesis.

In all cases where a complaint is made and the suspected party is found to have left the country, the crime report thereon should state whether warrant has been issued, and, if so, a copy should be attached to the report, which should be accompanied by a full description of the suspected person, when obtainable.

Crime reports on the preliminary hearing in any case should contain a synopsis of the evidence given, in which all the facts given are clearly stated. They should not contain a copy of the verbatim evidence, as this is often long drawn out, and considerable time is wasted in reading it through, and in copying.

In all cases where preliminary hearings are held, in the crime it should be stated whether the accused was committed for trial or remanded on bail. When committed, it is necessary to state what disposal was made of the prisoner, and the date on which he was turned over to the gaol or guard room; also the name of the constable having him in charge.

When a crime report is sent in before the constable leaves for the purpose of escorting a prisoner committed for trial, to the gaol or penitentiary, the date on which he intends to leave for this purpose should be inserted.

In cases of persons committed for trial, at the termination of the crime reports a list of witnesses required at the trial is to be given with the address of each. This information is valuable to the Crown Prosecutor having the case in hand.

When submitting crime reports with reference to cases where fines and costs have been imposed, and same paid, the constable's costs should be enumerated and names of recipients given.

At the conclusion of a case, when final crime report is sent in, it should end with the words, "Case concluded."

Considerable confusion often results from illegible handwriting in crime reports, particularly in the case of proper names. Care should be taken to write these plainly. as, especially with foreign names, it is often impossible to distinguish "n's" from "u's.," etc.

Typewritten reports should be neatly prepared, correctly spelled, and carbon copies clear and distinct. Machines should be frequently cleaned, especially the type, and carbon paper changed frequently, so that plain copies can be made.

Crime reports are sometimes rendered with a considerable number of mistakes, such as words improperly spelled, articles miscalled (sometimes with different terms, for instance, a vehicle called a wagon, a democrat and a buggy); brands improperly made or omitted, dates left out, and places of trial left out.

Special attention should be given to the spelling of proper names, particularly in the case of those of foreigners, which are often spelled in several different ways in the various crime reports on a case. When possible, an effort should be made to obtain the correct spelling of names in the first place, and this adhered to throughout.

For all crime or other reports, no matter how short, whole sheets of paper must be used whenever possible. In the case of typewritten reports, letterheads should not be used for making the first copy. When requisitioning for stationery for this purpose, typewriter tissue, 8 x 13, should be asked for.

All crime reports or correspondence regarding crime should be forwarded in duplicate to the headquarters of the force.

In case of murder or other very serious crime the constable, where practicable, should telephone or telegraph direct to the officer in charge.

2. *Contents.*—Crime reports should be concise:

(*a*) Facts should be distinguished from speculation.

(*b*) The authority for any statement should be quoted.

(*c*) Hearsay should be avoided.

(*d*) General assertions are not to be made, unless supported by reasons.

Constables should remember that their duties do not cease when they have reported a crime. They should actively follow up each case until the perpetrators have been brought to justice, no matter whether it is of minor importance or not. It is only by persistent effort that peace and good order can be maintained successfully.

3. *Filing.*—The filing of crime reports requires special mention. Some system should be adopted along the following lines:—

Three pigeon-holes or spaces on a shelf of sufficient size to take the reports unfolded should be provided in every station. These should be marked respectively "A," "B" and "C." On the first of the month of June, for instance, all cases pending enquiry from previous months should be placed in "A" pigeon-hole; cases which come in during June and are concluded during that month should be placed in "B' pigeon-hole; and cases opened in June, but pending enquiry, should be placed in "C" pigeon-hole. If a case in "C" pigeon-hole is concluded during June, it can be transferred to "B" pigeon-hole. On the last day in June the pigeon-holes should be filled as follows:

"A": Cases pending enquiry from previous months and still open.

"B": Concluded cases.

"C": Cases pending enquiry opened during June.

To start the following month, first file away all cases in "B" pigeon-hole. These will be marked "Concluded cases" for the month of June, and then transfer all the cases from "C" pigeon-hole into "A," thus starting July with "A" pigeon-hole containing unfinished cases from previous month, and "B" and "C" pigeon-holes empty. By this means one can always see at a glance how the investigations in any case are proceeding, and it should be impossible for a case to be dropped.

Crops—

1. *Setting Fire to.*—Everyone is guilty of an indictable offence and liable to 14 years' imprisonment who wilfully sets fire to any crop, whether standing or cut down, or any wood, forest, coppice, or plantation, or any heath, gorse, furze, or fern (Code, sec. 513). Any wilful attempt to do this is punishable with seven years' imprisonment (Code, sec. 514).

2. *Threats to Burn.*—Everyone is guilty of an indictable offence and liable to ten years' imprisonment who sends, delivers, or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any building or any rick or stack of grain, hay, or straw, or other agricultural produce, or any grain, hay or straw, or other agricultural produce in or under any building or on any ship or vessel (Code, sec. 516).

Cruelty to Animals—

1. *Ill-treating Animals. or Birds, etc.*—Any person who wantonly, cruelly, or unnecessarily beats, binds, ill-treats, abuses, over-drives, or tortures any cattle, poultry, dog, domestic animal or bird, or any wild animal or bird in captivity, is liable to summary conviction before two Justices of the Peace to a penalty not exceeding $50 or 3 months with or without hard labour or both (Code, sec. 542 (*a*)).

2. *Ill-usage Causing Injury.*—Any person who, while driving any cattle or other animal, is by negligence or ill-usage in the driving thereof the means whereby any mischief, damage or injury is done by any such cattle or other animal, is guilty of an offence and liable to a fine of $50 or 3 months with or without hard labour, or to both (Code, sec. 542 (*b*)).

3. *Bull-baiting and Cock-fighting, etc.*—Any person who in any manner encourages, aids or assists, at the fighting or baiting of any bull, bear, badger, dog, cock, or other kind of animal whether of domestic or wild nature, commits an offence and is liable to a fine of $50 or 3 months with or without hard labour, or to both (Code sec. 542 (*c*)).

4. *Conveyance of Cattle Without Rest and Nourishment.*—Cattle carried in any car or vessel in which there is no proper space and opportunity for rest and proper food and water, must be unloaded and fed at stated intervals. Cattle cannot be confined in any car or vessel for a longer period than 24 hours unless the unloading is prevented by storm or other avoidable cause, or by necessary delay or detention in crossing of trains. The rest and feeding period must cover five consecutive hours, and before reloading the car floors must be cleaned and littered with clean sawdust or sand unless prevented by frost; where the cars contain the necessary appliances for feeding and watering without unloading the time of confinement may last 36 hours (Code, secs. 544 and 544A). These provisions were supple-

mented, during the war, by the terms of an Order-in-Council, P. C., 2779, passed under the *War Measures Act*.

5. *Disposition of Penalties.*—One moiety of every pecuniary penalty recovered with respect to any offence under section 542, or 543 of the Criminal Code, respecting cruelty to animals, must be paid over to the corporation of the city, town, village, township, parish or place in which the offence was committed and the other moiety, with full costs, to the person who informed and prosecuted for the same or to such other person as to the justices seem proper (Code, sec. 1043).

Customs—

1. *Duties.*—The tariff of duties levied on goods imported into Canada, or taken out of warehouse for consumption therein, is fixed by a statute known as the Customs Tariff. It is Chapter 49 of the Revised Statutes of Canada, 1906, and has been amended from time to time. This statute, as amended, contains provisions respecting British Preferential Tariffs, reciprocal advantages, free goods, prohibited goods, and contains schedules in which the articles are specifically set out and the rate of duty chargeable. (*See Customs Tariff Act*, R. S. C., 1906, ch. 49.)

2. *Collection.*—The collection of the customs duties is in the hands of the Department of Customs, presided over by the Minister of Customs, assisted by a Commissioner, Assistant Commissioner and a Board of Customs. (*The Customs Act*, R. S. C. 1906, ch. 48). This department has control and management of the collection of the duties of customs, and of matters incident thereto and of the officers and persons employed in that service (*Ibid.*, sec. 7). The valuation for duty is usually done by Government appraisers, and is on the basis of the fair market value thereof when sold for home consumption, in the principal markets of the country whence and at the time when the same were exported, directly to Canada (*Ibid.*, sec. 40). Special provisions are made with respect to abatement of duties where goods are damaged or lost, and also with respect to warehousing, entry and removal of goods (*Ibid.*, secs. 40-154). Special powers are given to customs officers, including search of the person, seizure of articles and prosecution of offenders (*Ibid.*, sec. 154-304).

3. *Crimes and Offences.*—These include:—1, Vessel entering Canada at place other than at port of entry (*Customs Act*, sec. 186); 2, removing goods before examination and payment of

customs duties (sec. 187); 3, unloading goods before report to customs officer (sec. 188); 4, landing goods before making entry at customs (sec. 189); 5, having goods on board not included in customs report (sec. 190); 6 breaking bulk before paying duties (sec. 191); 7, importing goods by night without permit (sec. 192); 8, importing goods without reporting, and answering questions, and making entry (sec. 193); 9, train conductor permitting unloading before reporting to customs (sec. 194); 10, railway officials aiding and abetting importation of goods in violation of the customs laws (sec. 195); 11, assisting in the landing of goods imported in violation of customs laws (sec. 196); 12, procuring persons to assist in smuggling (sec. 197); 13, unlawfully importing goods on person as baggage (sec. 198); 14, importing improperly described goods or goods not corresponding with report of vessel; 15, importing goods not corresponding with invoice (sec. 200); 16, importing goods not mentioned in invoice or entry (sec. 201); 17, importing prohibited goods (sec. 202); 18, importing medicinal preparations without being marked "alcohol," or "non-alcoholic" (sec. 203); 19, being in possession of wreck without report or payment of duties (sec. 204); 20, smuggling (sec. 206 (*a*)); 21, passing false invoices through customs (sec. 206 (*b*)); 22, evading customs duty (sec. 206 (*c*)); 23, possessing blank invoices certified for customs purposes (sec. 207); 24, false statements in declarations under customs laws (sec. 209); 25, vessel found hovering with prohibited goods on board (sec. 210); 26, prohibited or smuggled goods found in vessel or vehicle (sec. 211); 27, placing dutiable goods in building on boundary line (sec. 212); 28, concealing goods on board vessel (sec. 214); 29, smuggling in company with others (sec. 215); 30, being on board smuggling vessel (sec. 216); 31, resisting search of the person (sec. 217); 32, concealing on the person prohibited or smuggled goods (sec. 218); 33, keeping or selling goods unlawfully imported (sec. 219); 34, altering or defacing customs marks (sec. 220); 35, failing to warehouse or ex-warehouse goods entered therefor (sec. 222); 36, relanding ships' stores and selling same in Canada (sec. 223); 37, goods ex-warehoused upon entry not corresponding (sec. 224); 38, concealing or removing ex-warehoused goods (sec. 226); 39, entering railway car, delivering goods, unloading or distributing cars when duty not paid (sec. 227); 40, obtaining fraudulent access to customs warehouse (sec. 228); 41, opening and unpacking goods under customs control (sec. 229); 42, refusing to return goods to customs when

required for examination (sec. 230); 43, contravening Act or regulation respecting warehousing (sec. 231); 44, refusing to act as appraiser (sec. 232); 45, refusing to attend and answer before appraiser (sec. 233); 46, false swearing by owner, importer, or consignee on appraisement (sec. 234); 47, selling goods without payment of customs duties (secs. 235-236); 48, entering goods outwards and not exporting (sec. 237); 49, relanding or failing to perform obligations to export (sec. 238); 50, carrying goods out of limit of port of outward entry before entry (sec. 239); 51, persons other than owner making entry outwards (sec. 240); 52, failing to make report and entry of goods shipped in Canada (sec. 241); 53, carrying prohibited goods coastwise (sec. 242); 54, contravening *Customs Act*, rule or regulation, respecting imported goods entered for exportation (sec. 243); 55, contravening *Customs Act*, rule, or regulation respecting dutiable goods in transit through Canada (sec. 244); 56, vessel leaving Canada without clearance papers (sec. 246); 57, shipping or unshipping, importing or exporting, carrying or conveying goods in violation of regulations under *Customs Act*, secs. 247, 248); 58, illegal search of person by officers (sec. 249); 59, police neglecting to convey seized goods to Customs House (sec. 250); 60, collector allowing payment of duty to be avoided or deferred (sec. 251); 61, bribery and corruption, neglect of duty, collusion, etc. (sec. 252); 62, persons bribing or tempting customs officers to neglect their duty (sec. 252 (2)); 63, making false statements in entry at customs (sec. 253); 64, counterfeiting customs documents (sec. 254); 65, refusing to answer customs officers' questions (sec. 255); 66, master of ship refusing accommodation to customs officer (sec. 256); 67, failing to produce invoices, books, etc., on demand (sec. 257); 68, theft of goods seized by customs (sec. 258); 69, refusing to stop when required in King's Navy to do so (sec. 259); 70, offering goods for sale as prohibited or smuggled goods (sec. 260 (2)); 71, shooting at King's vessels (Code, sec. 275); 72, wounding officer in execution of his duty (Code, sec. 275 (2)).

Dairies and Creameries—

1. *Operation.*—(*See* AGRICULTURE, 4).

Dams—

1. *Injuring.*—Any person who wilfully breaks, injures, cuts, loosens, removes or destroys in whole or part, any dam, pier, slide, boom, or other such work, or any chain or other fastening

attached thereto or any raft, crib of timber, or saw logs, commits an indictable offence and is liable to two years' imprisonment (Code, sec. 525).

Daggers—

1. *Carrying.*—Everyone who carries about his person any bowie-knife, dagger or dirk is liable on summary conviction before two Justices of the Peace to a minimum fine of $10 and a maximum fine of $50, or to 3 months with or without hard labor or to both fine and imprisonment (Code, sec. 123). Everyone not being thereto required by his lawful trade or calling, who is found in any town or city carrying about his person any sheath-knife is also liable on summary conviction before two Justices of the Peace to the same penalty (Code, sec. 124). If it is concealed upon the person a permit under section 118 is required in order to carry a sheath-knife, bowie-knife, dagger, or stiletto (Code, sec. 118 (1)).

Dead Bodies—

1. *Human Bodies.* — It is an offence punishable with five years' imprisonment, without lawful excuse to neglect to perform any duty either imposed upon him by law or undertaken by him with reference to the burial of any dead human body or human remains, or, to improperly or indecently interfere with or offer any indignity to any dead human body or human remains whether buried or not (Code, sec. 237).

2. *Carcasses of Dead Animals.*—(*See* CARCASSES.)

Defamatory Libel—

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

2. *How Expressed.*—A defamatory libel may be expressed either in words legibly marked upon any substance whatever or by any object signifying such matter otherwise than by words and may be expressed either directly or by insinuation or irony (Code, sec. 317 (2)).

3. *Publication.*—This means exhibiting it in public, or causing it to be read or seen, or showing or delivering it or causing it to be shown or delivered with a view to its being read or seen by the person defamed or by any other person (Code, sec. 318).

The publication of a defamatory libel is a criminal offence punishable with one year's imprisonment or a fine of $200 or both (Code, sec. 334). But there are exceptions, and the Criminal Code specifically states that no one commits an offence by publishing defamatory matter under the following circumstances:— 1, On invitation or challenge of the person defamed (sec. 319); 2, in proceedings of Courts of Justice (sec. 320); 3, in petitions, papers or orders in parliament (sec. 321); 4, in fair reports of proceedings of parliament and courts (sec. 322); 5, in fair reports of public meetings (sec. 323); 6, for public benefit (sec. 324); 7, in fair comment of conduct of public person (sec. 325); 8, in fair comment on literary or art production (sec. 325); 9, in good faith seeking redress (sec. 326); 10, in answer to an inquiry or by giving information to a person having interest in knowing the truth (sec. 327, 328); 11, by selling a newspaper, or book, etc., containing defamatory matter which was not known (sec. 329 (3)), (sec. 330).

4. *Truth as a Defence.*—The mere truth is an answer to a civil action, however maliciously and unnecessarily the words were published, but in a criminal case the defendant has to prove not only that his assertions are true, but also that it was for the public benefit that they should be published. This is expressly provided in the Criminal Code which makes it a defence to an indictment or information for defamatory libel that the publishing 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 (Code, sec. 331).

5. *Newspapers.*—A "newspaper" is defined by the Criminal Code for the purposes of the defamatory libel provisions. It means, any paper, magazine or periodical, containing public news, intelligence or occurrences, or any remarks or observations thereon, printed for sale and published periodically or in parts or numbers at intervals not exceeding 31 days between the publication of any two such papers, parts or numbers, and also any paper, magazine or periodical printed in order to be dispersed and made public, weekly or oftener, or at intervals not exceeding 31 days, and containing only or principally advertisements (Code, sec. 2 (22)). Every proprietor of such a newspaper is presumed criminally responsible for defamatory matter inserted and published therein but such presumption may be rebutted by proof that the particular defamatory matter was inserted in such newspaper without such proprietor's cognizance and without

negligence on his part (Code, sec. 329). The mere fact of giving a general authority to manager would not amount to such negligence unless with intent (Code, sec. 329 (2)). It is only an offence when the seller knew it actually contained defamatory matter, or that it was habitually contained in it (Code, sec. 329).

6. *Books.*—The sale by a servant of any book, magazine, pamphlet or other thing, whether periodical or not, does not make his employer criminally responsible in respect of defamatory matter contained therein unless it be proved that such employer authorized such sale, knowing that such book, magazine, pamphlet or other thing contained defamatory matter, or in the case of a number or part of a periodical, that defamatory matter was habitually contained in such periodical (Code, sec. 330 (2)). It is only an offence if at the time of the sale the seller knew that the defamatory matter was contained in the book, magazine or pamphlet (Code, sec. 330 (1)).

7. *Crimes and Offences.*—The publishing of a defamatory libel is an indictable offence punishable with one year's imprisonment or fine of $200 or both (Code, sec. 334). It is, however, no offence when published under the circumstances set out in sections 319-329 of the Criminal Code.

Deportation—

1. *Definition*—Deportation, for the purposes of the Immigration Laws of Canada, means the removal under the authority of the *Immigration Act* (ch. 27), 1910, of any rejected immigrant or other person, or of any immigrant or other person who has already been landed in Canada or who has entered or who remains in Canada contrary to any provision of the *Immigration Act,* from any place in Canada at which such immigrant or other person is rejected or detained, to the place whence he came to Canada, or to the country of his birth or citizenship (*Immigration Act* (ch. 27), 1910, sec. 2 (r).

2. *Prohibited and Undesirable Immigrants.*—Whenever any person other than a Canadian citizen, within three years after landing in Canada, has been convicted of a criminal offence in Canada, or has become a prostitute, or an inmate of a house of ill-fame, or by common repute has become a procurer, or pimp, or person living on the avails of prostitution or has become a professional beggar or a public charge, or an inmate of a penitentiary, jail, reformatory, prison, hospital, insane asylum, or public charitable institution, or enters on remains in Canada contrary to any provision of the *Immigration Act,* it is the duty of any

officer cognizant thereof, and the duty of the clerk, secretary, or other official of any municipality in Canada, wherein such person may be, to forthwith send a written complaint to the Minister or Superintendent of Immigration, giving full particulars. (*The Immigration Act,* 1910, (ch. 27), sec. 40). This complaint is investigated, the person arrested and brought before a Board of Inquirers or examining officer under the *Immigration Act,* and if found to be within the prohibited or undesirable class, such person may be deported forthwith (*Ibid.,* sec. 42 (2)). There is an appeal to the Minister of Immigration from a deportation order (*Ibid.,* sec. 42).

3. *Undesirable Aliens.*—Persons, other than Canadian citizens, can be deported as undesirables if they:—1, Advocate in Canada the overthrow by force or violence of the Government of Great Britain or Canada, or other British Dominion, colony, possession or dependency; or 2, the overthrow by force, or violence of constituted law or authority; or, 3, the assassination of any official of the Government of Great Britain or Canada, or other British Dominion, colony, possession or dependency, or of any foreign government; or, 4, by word or act create or attempt to create riot or public disorder, in Canada; or, 5, by common repute belong to or be suspected of belonging to any secret society or organization which extorts money from, or in any way attempts to control, any resident of Canada by force or threat of bodily harm, or blackmail. (*The Immigration Act,* 1910, (ch. 27), sec. 41).

4. *Detention of Deportable Prisoners.*—When any person has within three years of landing in Canada become an inmate of a penitentiary, jail, reformatory or prison the Minister of Justice can upon the request of the Minister of the Interior, issue an order to the warden or governor of such penitentiary, jail, reformatory or prison to detain such person after sentence or term of imprisonment, and deliver him to officer named by Superintendent of Immigration (*Immigration Act,* 1910, ch. 27, sec. 43 (1)). This warrant of the Minister of Justice is sufficient authority to detain until deported (*Ibid.,* sec. 43 (2)). Forms of warrant are set out in the schedule to the *Immigration Act.* (*See* FORMS E. AND EE. SCHED: *Immigration Act,* 1910, ch. 27).

5. *Crimes and Offences.*—Any person rejected or deported under the *Immigration Act,* 1910, who enters, or remains in, or returns to Canada, after such rejection or deportation without a permit under the *Immigration Act,* or other lawful excuse,

or who refuses or neglects to leave Canada when ordered so to do by the Governor-in-Council under section 42 of the Act is guilty of an offence against the immigration laws and can forthwith be arrested by an officer and be deported on an order from the Minister or Superintendent of Immigration or may be prosecuted and punished by imprisonment for two years, and thereafter deported (*Immigration Act,* 1910 (ch. 27), sec. 42 (4)).

Depositions—

1. *Definition.*—The act of giving public testimony, technically the evidence put down in writing by way of answer to questions. It is an incontrovertible rule of common law that when the witness himself can be produced his deposition may not be read, for it is not the best evidence. There are, however, some statutory modifications of this rule, for example, where the witness cannot be produced owing to absence or illness. Generally speaking, depositions are of three kinds:—1, Those used before trial; 2, those used at trial, and 3, those used in extradition cases.

2. *Depositions Before Trial.*—These are often necessary to provide against the absence of some material witness. The evidence obtained in this manner is allowable under section 995 in the case of a person dangerously ill; also under section 997, in the case of a person out of Canada, and under section 999, in the case of a witness who is dead, or so ill as to be unable to travel, or absent from Canada, or refuses to be sworn. The depositions used are usually those obtained at the preliminary enquiry.

3. *Depositions at Trial.*—The use of depositions at trial is regulated by sections 998, 999, 1000, and 1001.

4. *Depositions on Extradition.*—These are used instead of sending the witness to the place where the preliminary proceedings, prior to extradition, are taken. In these depositions a *prima facie* case must be established and, in addition, they must be duly certified by extradition officials in order to allow them to be used in the proceedings. They are taken under the authority of section 18 (a), of the *Extradition Act,* and are somewhat different in form to the ordinary deposition used in criminal cases within Canada.

5. *Requisites.*—Every deposition must, to be valid, comply with the requirements of the Criminal Code as to form. Section 682 stipulates as to the form (form 19), it being essential that:—1, The evidence be under oath, in presence of accused; 2, there must be an opportunity to cross-examine the witness; 3, the evi-

dence must be taken down in longhand or shorthand; 4, the deposition when made must be read over to witness, and he must sign the same, as must also the justice. There are further requisites in the case of depositions being taken down in shorthand, and these are:—1, Stenographer must be sworn; 2, evidence must be transcribed; 3, depositions must be signed by the justice, and an affidavit of the stenographer as to their accuracy attached.

Deserters—

1. *Arrest and Detention.*—Everyone who is reasonably suspected of being a deserter from His Majesty's Service can be apprehended and brought for examination before any justice, and if it appears that he is a deserter he can be confined in gaol until claimed by the military or naval authorities or proceeded against according to law (Code, sec. 657). A warrant is necessary before doors can be broken open to search for concealed deserters (Code, sec. 657 (2).

2. *Crimes and Offences.*—These include:—1, Persuading a soldier or sailor to desert (Code, sec. 82 (*a*)); 2, concealing deserter (Code, sec. 82 (*b*)); 3, resisting execution of search warrant for deserter (Code, sec. 83); 4, persuading, assisting or counselling mounted police or militiaman to desert (Code, sec. 84); 5, deserting from Naval Service (*Naval Service Act,* 1910, ch. 43, sec. 49); 6, enticing apprentice or seaman to desert (*Shipping Act,* sec. 301); 7, harbouring seamen who have deserted (*Shipping Act,* sec. 302); 8, desertion from mercantile ship (*Shipping Act,* sec. 287); 9, receiving deserters' clothing and necessaries (Code, secs. 438, 439); 10, from Government vessels (*Government Vessels' Discipline Act,* R. S. C. 1906, ch. 111, sec. 9); 11, failing to report to immigration officers, names of all persons deserting from ship (*Immigration Act,* 1910 (ch. 27), sec. 52 (5)).

3. *Under Military Service Act.*—(*See* MILITARY).

Discipline—

1. *Children.*—It is lawful for every parent, or person in the place of a parent, schoolmaster, or master, to use force by way of correction towards any child, pupil or apprentice under his care, provided that such force is reasonable under the circumstances (Code, sec. 63).

2. *On Board Ship.*—It is lawful for the master or officer in command of a ship or a voyage to use force for the purpose of maintaining good order and discipline on board his ship, pro-

vided that he believes, on reasonable grounds, that such force is necessary, and provided also that the force used is reasonable in degree (Code, sec. 64). There are, however, certain statutes which specifically deal with discipline on board mercantile ships, and upon naval and Government vessels. (*See Canada Shipping Act,* R. S. C. 1906, ch. 113; *Government Vessel Discipline Act,* R. S. C. 1906, ch. 111; *Naval Service Act,* 1910, (ch. 43)).

Disorderly Houses—

1. *Definition..*—A disorderly house includes a common bawdy-house, common gaming house, common betting house, or opium joint as defined by the Criminal Code of Canada (Code, sec. 228).

2. *Bawdy House.*—(*See* BAWDY HOUSES, *ante.*).

3. *Keeper.*—Any one who appears, acts or behaves, as master or mistress, or as the person having the care, government or management of any disorderly house, or as assisting in such care, government or management, is deemed to be the keeper, and liable to be prosecuted and punished as such, although he or she is, in fact, not the real owner or keeper (Code, sec. 228 (2)).

4. *Use of Premises.*—The use or letting of premises for the purpose of a disorderly house is prohibited (Code, sec. 228 (*a*)).

5. *Search Warrants.*—Search warrants can be issued for searching disorderly houses, but these warrants vary according to the nature of the premises searched:—Thus, gaming houses are searched under the authority of section 641; opium joints under section 642A; disorderly houses generally under section 641 (1); and houses of ill fame or of assignation may be searched for women or girls who have been enticed or inveigled therein, under section 640. Disorderly houses, bawdy houses, houses of ill fame, taverns or boarding houses can also be searched for vagrants of loose, idle and disorderly persons (Code, sec. 643). It is an offence to obstruct or delay any constable entering any disorderly house (Code, sec. 230).

6. *Evidence.*—The prevention, obstruction, or delaying of a constable entering a disorderly house is *prima facie* evidence that the place is a *disorderly house* for the purposes of prosecutions for offences under sections 228 or 229 (Code, sec. 986). The fitting out, or providing, any means or contrivance for playing any game of chance, or mixed game of chance or skill, or for betting or for opium smoking or inhaling or with any device for concealing, removing or destroying such means or contrivance is *prima facie* evidence of the house, room, or place

being a *common gaming house, common betting house,* or *opium joint* as the means or contrivance may indicate (Code, sec. 986). The presence of cards, dice, balls, counters, tables or other instruments of gaming used in playing any game of chance or any game of mixed chance and skill are found in any house, room, or place, suspected to be used as a *common gaming house,* and entered under a warrant or order issued under the Criminal Code, or about the person of any of those who are found therein is *prima facie* evidence on the trial of a prosecution under sections 228, 229, that such house, room or place is used as a common gaming house, and that the persons found in the room or place where such instruments or gaming are found were playing therein, although no play was actually going on in the presence of the officer entering the same under warrant or order, or in the presence of persons by whom he is accompanied (Code, sec. 985).

7. *Inmates.*—(*See* BAWDY HOUSES, 5).

8. *Summary Trial.*—A person charged with keeping a disorderly house, or with being an inmate of a common bawdy house, can be tried summarily under section 773 of the Criminal Code (Code, sec. 773 (f). No consent is necessary to give jurisdiction to be so tried (Code, sec. 774). On third conviction imprisonment not less than three nor more than two years can be given for violations of sections 228 and 229A (*Code, Amendment Act,* 1916, ch. 12, sec. 6.) There is only an appeal in such cases when tried by two Justices of the Peace sitting together (Code, sec. 797).

9. *Crimes and Offences.*—These include:—1, Keeping a disorderly house (sec. 228); 2, allowing premises to be used as a disorderly house (sec. 228A); 3, being found in a disorderly house (sec. 229); 4, obstructing constables' entry into disorderly house (sec. 230); 5, being an inmate of a common bawdy house (sec. 229A). (*See* BAWDY HOUSES).

Distress—

1. *Procedure.*—At common law this is defined as a taking without legal process, of a personal chattel, from the possession of a wrongdoer, into the hands of the party aggrieved, as a pledge for the redressing of an injury, the performance of a duty, or the satisfaction of a demand. It is a common remedy for recovering fines, penalties, sums of money or costs on summary conviction. This right of redress being in the hands of the party aggrieved, it must be exercised strictly in accordance with the law. The constable should be familiar with the forms used.

These are:—1, Distress Warrant; 2, Inventory; 3, Appraisement, and 4, Notice of Sale. In the case of recovering fines, the forms used in the Criminal Code should be followed. These are Form 39, warrant of distress upon a conviction for a penalty; Form 40, warrant of distress upon an order for payment of money. The other forms such as appraisement, inventory, and notice of sale, can follow the forms used in a case of distress for rent which can be adapted for the purpose. There are several points to remember when executing a warrant of distress. The Criminal Code provides, in section 747, for release of distress on tender of amount named in warrant, and costs incurred to time of tender. The distress warrant should fix the time within which, after seizure, the defendant is to pay the money or order to avoid the goods being sold. The goods can be sold at any time after that date, and once seized they should be removed from off the premises of the defendant and out of his possession. A seizure should be for the full amount of distress. A partial seizure is useless as the defendant cannot be committed if there is a deficiency in the amount realized.

2. *When Leviable.*—Whenever a summary conviction adjudges a pecuniary penalty or compensation to be paid, or an order requires the payment of a sum of money, the justice by his conviction or order after adjudicating payment, may, whether a mode of raising or levying the same is provided or not, order and adjudge distress and imprisonment in default of distress [Code, sec. 739]. A warrant of distress can be issued for costs assessed against a complainant on dismissal (Code, sec. 742).

3. *Warrant.*—This form is set out in the schedule to the Criminal Code and is either (1) on summary conviction for a penalty (Form 39), or (2) upon an order by a justice for payment of a sum of money (Form 40) (Code, sec. 741). Whenever a justice issues a warrant of distress he may suffer the defendant to go at large, or verbally, or by a written warrant in that behalf, may order the defendant to be kept and detained in safe custody until a return has been made to the warrant of distress, unless the defendant gives sufficient security, by recognizance or otherwise, to the satisfaction of the justice for his appearance at the time and place appointed for the return of the distress warrant (Code sec. 745). If the warrant is issued and the constable or peace officer makes a return that he can find no goods or chattels upon which to levy, the justice can issue a warrant of commitment (Form 44) (Code, sec. 741 (2). If there are goods

within the district of another magistrate, the warrant may be endorsed (Form 47) to operate in that district (Code, sec. 743). The warrant of distress must not be executed if the defendant pays or tenders to the peace officer having the execution of the same, the sum or sums mentioned in the warrant, together with the costs and charges of distress, up to the time of payment or tender (Code, sec. 747).

4. *Ruinous to Defendant or Family.* — Where the distress would be ruinous to defendant and his family or where he admits that he has no goods on which distress can be levied the justice may instead of issuing the distress warrant, commit him to gaol for the time and in the manner he would have been committed if no sufficient distress had been found after actual issue of the warrant (Code, sec. 744).

5. *Forms.*—These forms include: — 1, Warrant (forms 39, 40); 2, return (form 43); 3, commitment in default (form 44); 4, endorsement for another jurisdiction (form 47)).

6. *Costs.*—These are fixed by Code, sec. 770.

Dividend Warrants—

1. *False.*—Everyone is guilty of an indictable offence and liable to seven years' imprisonment, who being in the employment of the Government of Canada or of any province of Canada, or any bank, in which any books of account of Government or provincial stocks, annuities or public funds are kept, with intent to defraud, makes out or delivers any dividend warrant or any warrant for the payment of any annuity, interest or money payable at any of the said banks for an amount greater than or less than that to which the person on whose account such warrant is made out is entitled (Code, sec. 485).

Documents—

1. *Title to Goods.*—This document includes any bill of lading, India-warrant, dock-warrant, warehouse-keepers' certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought and sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to (Code, sec. 2 (11)). It is an offence:— (*a*) To destroy, cancel, conceal or obliterate any document of title to goods for any fraudulent purpose (Code, sec. 396); (*b*) to forge any document used as evidence of right to goods (Code,

sec. 468 (*y*); (*c*) to steal any document of title to goods (sec. 362).

2. *Title to Lands.*—Documents of title to lands include for the purpose of prosecutions under the Criminal Code, any deed, map, paper, or parchment, written or printed, or partly written and partly printed being or containing evidence of the title, or any part of the title, to any real property, or any notarial or registrars' copy thereof, or any duplicate instrument, memorial, certificate or document, authorized or required by any law in force in any part of Canada respecting registration of titles, and relating to such title (Code, sec. 2 (12)). It is an offence: (*a*) To destroy, cancel, conceal or obliterate any document of title to lands for any fraudulent purpose (Code, sec. 396); (*b*) being a seller or mortgagor, conceals any material document of title or falsifies the pedigree with intent to defraud; (*c*) to fraudulently register title to any land (Code, sec. 420; (*d*) to steal any document of title to lands (sec. 362).

3. *Valuable Securities.*—A valuable security for the purpose of prosecutions under the Criminal Code includes any order, exchequer acquittance or other security entitling or evidencing the title of any person to any share or interest in any public stock or fund, whether of Canada, or of any province thereof, or of the United Kingdom, or of Great Britain or Ireland or of any British colony or possession, or of any foreign state, or in any fund of any body corporate, company or society, whether within Canada or the United Kingdom or any British colony or possession, or in any foreign state or country, or to any deposit in any savings bank, or other bank, and also includes any debenture, deed, bond, bill, note, warrant order or other security for money or for payment of money whether of Canada or of any province thereof or of the United Kingdom, or of any British colony or possession or any foreign state, and any document of title to lands or goods wheresoever such lands or goods are situate, and any stamp or writing which secures or evidences title to or interest in any chattel personal or any release, receipt, discharge, or other instrument, evidencing payment of money, or the delivery of any chattel personal (Code, sec. 2 (40)). It is an offence:—1, To destroy, cancel, conceal or obliterate any valuable security for any fraudulent purpose (Code, sec. 396); 2, to compel or attempt to compel the execution, alteration or destruction of a valuable security, by threats with intent to extort (Code, sec. 454); 3, to compel the execution of a valuable security by force with intent to defraud (Code, sec. 450); 4, to forge any valuable security (Code, sec. 468).

4. *Generally.*—For the purpose of prosecutions under Part VII. of the Criminal Code respecting property, contracts, and trade, the word "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 in stone or metal or other like material (Code, sec. 335 (*f*)). Drawing any document with intent to defraud, and without authority or uttering such a document is punishable in the same way as forgery (Code, sec. 477).

5. *False.*—For the purpose of prosecutions under Part VII. of the Criminal Code respecting property, contracts and trade, a "false document" means:—1, A document the whole or some material part of which purports to be made by or on behalf of any person who did not make or authorize the making thereof, or which though made by, or by the authority of, the person who purports to make it, is falsely dated as to time or place of making, where either is material; or 2, a document, the whole, or some material part of which purports to be made by or on behalf of some person who did not in fact exist; or 3, a document which is made in the name of an existing person, either by that person or by his authority, with the fraudulent intention that the document should pass as being made by some person, real or fictitious, other than the person who makes or authorizes it (Code, sec. 335 (*j*)). To constitute a document a "false document," it is not necessary that the fraudulent intention should appear on the face of the document, but it may be proved by external evidence (Code, sec. 338).

Doctors—

1. *Criminal Responsibility for Operations.*—Everyone is protected from criminal responsibility for performing with reasonable care and skill any surgical operation, upon any person for his benefit, provided that performing the operation was reasonable, having regard to the patient's state at the time, and to all the circumstances of the case (Code, sec. 65). It must, however, be remembered that everyone who undertakes, except in cases of necessity, to administer surgical treatment or medical treatment, or to do any other lawful act, the doing of which is or may be dangerous to life, is under a legal duty to have, and to use, reasonable knowledge, skill and care in doing any such act and is criminally responsible for omitting, without lawful excuse, to discharge that duty if death is caused by such omission (Code, sec. 246).

Dogs—

1. *Stealing.*—Everyone who steals any dog ordinarily kept in a state of confinement or for any domestic purpose, or for any lawful purpose or profit or advantage is, if the value exceeds $20, guilty of an indictable offence, and if the value does not exceed $20 is punishable on summary conviction, by fine or imprisonment (Code, sec. 370). If the person has been previously convicted of an offence under section 370 and is convicted *summarily* he is liable to three months' imprisonment with hard labour (Code, sec. 370 (2)).

2. *Killing or Injuring.*—Everyone is guilty of an offence and liable on summary conviction to a penalty not exceeding $100 over and above the amount of injury done, or to three months' imprisonment with or without hard labour, who *wilfully* kills, maims, wounds, poisons, or injures any dog (Code, sec. 537 (1)). A subsequent conviction under the same section 537 renders the offence indictable (Code, sec. 537 (2)).

Dominion Elections—

1. *Procedure.*—The election of members for the federal House of Commons at Ottawa, and the control and regulation of the electoral franchise in Canada, is contained in the *Dominion Elections Act,* R. S. C. 1906, ch. 6. As amended, also the *Military Voters' Act,* 1917, ch. 34, and the *War Time Election Act,* 1915, ch. 11; and the *Franchise Act,* 1920.

2. *Crimes and Offences.*—These include:—1, Officers omitting to record changes in voters' list (*Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 247); 2, officers omitting to transmit voters' lists to proper authorities (*Ibid.,* sec. 248); 3, officers guilty of misfeasance or office (*Ibid.,* sec. 249); 4, officers neglecting duty (*Ibid.,* sec. 250); 5, defacing proclamations (*Ibid.,* sec. 250A); 6, refusing to furnish returning officers with documents (*Ibid.,* sec. 251); 7, election officers acting as agents (*Ibid.,* sec. 252); 8, officers varying qualification oath (*Ibid.,* sec. 253); 9, illegally refusing ballot to P. E. Islander (*Ibid.,* sec. 254); 10, fraud or forgery in connection with ballots (*Ibid.,* sec. 255); 11, omitting to obey summons of returning officer (*Ibid.,* sec. 256); 12, neglecting to make return of elected candidate (*Ibid.,* sec. 257); 13, violating secrecy of the ballot (*Ibid.,* sec. 258); 14, refusing to deliver up weapons near poll (*Ibid.,* sec. 259); 15, entering polling districts on polling day armed (*Ibid.,* sec. 260 (*a*)); 16, displaying flags and emblems (*Ibid.,* sec. 260); 17, selling liquor on polling day (*Ibid.,* sec. 261); 18,

paying election expenses otherwise than through agents (*Ibid.*, sec. 262); 19, neglecting to make return of election expenses (*Ibid.*, sec. 263); 20, making false statements as to the election expenses (*Ibid.*, sec. 264); 21, bribery at elections (*Ibid.*, sec. 265); 22, treating at elections (*Ibid.*, secs. 266, 267, 268); 23, using undue influence (*Ibid.*, sec. 269); 24, paying for conveyances of voters to poll (*Ibid.*, sec. 270); 25, voters hiring conveyances (*Ibid.*, sec. 271); 26, personation (*Ibid.*, sec. 272); 27, subornation of personation (*Ibid.*, sec. 273); 28, subornation by candidate of personation or perjury (*Ibid.*, sec. 274); 29, prohibited persons voting (*Ibid.*, sec. 275); 30, false statements with respect to withdrawal of candidate (*Ibid.*, sec. 276); 31, canvassing non-resident to vote (*Election Amendment Act*, 1908, (ch. 26), sec. 33); 32, omitting name and address of printer on hand bills (*Ibid.*, sec. 34); 33, making false statements as to character or conduct of candidate (*Ibid.*, sec. 35); 34, corporations contributing to campaign funds (*Ibid.*, sec. 36); 35, persons violating *Military Voters' Act* (*The Military Voters' Act*, 1917, ch. 34, sec. 17 (1)); 36, personating military voters (*Ibid.*, sec. 17 (2)); 37, assault on election day (Code, sec. 296 (*e*)); 38, theft of election documents (Code, sec. 367); 39, destroying election documents (Code, sec. 528).

Drugs—

1. *Adulteration of Drugs.*—(*See* ADULTERATION, 3.)

2. *Cocaine, its Manufacture and Sale.*—(*See* COCAINE, 2).

3. *Improper Use.*—It is unlawful to use drugs in the following manner:—1, To enable persons to have unlawful carnal connection with any woman or girl (Code, sec. 216 (*k*)); 2, to enable a person to commit any indictable offence (Code, sec. 276 (*b*)); 3, to endanger life or cause grievous bodily harm (Code, sec. 277); 4, to procure abortion (Code, sec. 303, 304, 305); 5, to advertise drugs to be used for procuring abortion (Code, sec. 207 (*c*)); 6, for any purpose other than scientific or medicinal purposes (*Opium and Drug Act*, 1911, ch. 17).

Drunkenness—

1. *Defence.*—The defence of drunkenness comes under the common law. The common law is not abrogated by the Criminal Code and it still can be used as a defence, to the same extent as previously under the common law (see Code, sec. 16).

2. *Crimes and Offences.*—The crimes and offences relating to drunkenness include the following:—1, Drunk and disorderly persons (Code, sec. 238 (*f*)); 2, drunkenness on Indian reserves

(*Indian Act*, R. S. C. 1906, ch. 81, secs. 139, 143, 144, 146); 3, drunken persons on board ship molesting passengers (*Shipping Act*, sec. 719); 4, boarding steamer in drunken condition (*Shipping Act*, sec. 719); 5, ship's pilot drunk on duty (*Shipping Act*, sec. 550 (*e*)); 6, sailor drunk on duty aboard ship on inland waters (*Shipping Act*, sec. 358); 7, sailor drunk on duty aboard ship at sea (*Shipping Act*, sec. 286); 8, driver or conductor on Government railway drunk on duty (*Government Railway Act*, R. S. C. 1906 ch. 36, sec. 72); 9, mail carrier drunk on duty (*Post office Act*, R. S. C. 1906, ch. 66, sec. 126).

Duels—

1. *Challenging to fight a duel.*—Everyone is guilty of an indictable offence and liable to three years' imprisonment, who challenges or endeavours by any means to provoke any person to fight a duel or endeavours to provoke any person to challenge any other person so to do (Code, sec. 101).

Dying Declarations—

1. *Form.*—A dying declaration is admissible in evidence either for the prosecution or for the prisoner in a homicide case, and it is, therefore, necessary that great care should be exercised in taking them. No particular form is necessary, and it need not necessarily be in writing, but it should be invariably taken down in writing if at all possible.

"Canada,
Province of .....
} "In the matter of .....

"I, ... of .....
(full names) (P.O. address)
entertaining no hope of recovery from my present illness and conscious that my death is imminent, I do solemnly and sincerely declare that:..
.....
(here state very words used)
.....

"Taken before me at .....
this ..... day of .....
19....
} .....
(Signature of witness)

.....
A Justice of the Peace
in and for the Province
of .....

2. *Requisites.*—The principal requisites to render such a declaration admissible in evidence against the accused are:—1, death of declarant; 2, cause of death of declarant must be the subject of inquiry; 3, circumstances of death must be subject of

declaration; 4, the declaration must have been made at a time when the declarant entertained no hope of recovery and was conscious that his death was imminent.

3. *Persons Present.*—Where the accused is brought into the presence of the witness making the declaration an opportunity to cross examine the declarant, if possible, and an examination in the usual form, might well take the place of the written declaration. In any event a medical man should, along with a justice of the peace, be present, whenever an endeavour is made to obtain a dying declaration.

Election Documents—

1. *Destruction.*—It is an indictable offence punishable with seven years' imprisonment to wilfully destroy, injure or obliterate, or cause to be destroyed, injured or obliterated, or make or cause to be made any erasure, addition of names or interlineation of names in or upon any writ of election, or any return to a writ of election, or any indenture, poll-book, voters' list, certificate, affidavit or report, or any document, ballot or paper made, prepared or drawn out according to any law in regard to Dominion, provincial, municipal or civic elections (Code, sec. 528).

2. *Theft.*—Every one is guilty of an indictable offence and liable to a fine in the discretion of the Court, or to seven years' imprisonment or to both fine and imprisonment, who steals or unlawfully takes from any person having the lawful custody thereof, or from its lawful place of deposit for the time being, any writ of election, or any return to a writ of election, or any indenture, poll-books, voters' list, certificate, affidavit, or report, ballot or any document or paper made, prepared or drawn out according to or for the requirements of any law in regard to Dominion, provincial, municipal, or civic election (Code, sec. 367).

3. *Dominion Election Documents.*—There are several provisions in addition to those in a Criminal Code, secs. 528 (destruction) and sec. 367 (theft), which deal specifically with Dominion election documents. They are as follows:—1, Omitting to record changes in voters' lists (*Elections Act,* 1906, R. S. C. ch. 6, sec. 247); 2, defacing proclamations (*Ibid.,* sec. 250A); 3, refusing to furnish returning officers with documents (*Ibid.,* sec. 251); 4, fraud in connection with ballot papers (*Ibid.,* sec. 255).

Electricity—

1. *Inspection and Sale.*—The sale of electric light, by contract of supply is regulated by the *Electricity Inspection Act,*

1907, (ch. 14). This Act contains special provisions which deal with the unit of supply, the duties and rights of the contractor, the fixing of responsibility for condition of the lines, the entry of premises for inspection purposes, appointment of inspectors, the construction of the meter, and also prescribes certain penalties for violation of these provisions. The Governor-in-Council is authorized to make rules and regulations governing:—1, Testing electric light lamps for illuminating power; 2, testing meters; 3, determining arc light standards, and 4, other purposes necessary to carry out the Act. (*The Electricity Inspection Act,* 1907, ch. 14, sec. 41). A certificate of registration by the Department of Inland Revenue must be obtained for every electric light generating plant owned or operated by a contractor in any city, town, village or other municipality. (*The Electricity Inspection Act,* 1907, (ch. 14), sec. 10).

2. *Exporting Electric Power.*—Electrical power produced in Canada cannot be exported by lines or wire from Canada without a license from the Crown. (*The Electricity and Fluid Exportation Act,* 1907, (ch. 16), sec. 3). The construction of lines for the purpose of exporting electric energy from Canada is also subject to license (*Ibid.*, sec. 3 (2)). These licenses are granted by the Governor-in-Council, and are revocable on reasonable notice (*Ibid.*, sec. 4). This Act also provides for the imposition of export duties, the limiting of the amount to be exported and also inflicts penalties for violation of the Act (*Ibid.*, secs. 5-10).

3. *Theft.*—It is an indictable offence to steal electric current by maliciously or fraudulently abstracting, causing to be wasted, diverted, consumed or used (Code, sec. 351).

4. *Supply Contracts.*—Any person, being bound, agreeing or assuming under any contract made by him with any municipal corporation or authority, or with any company to supply any city or any other place, or any part thereof with electric light or power who wilfully breaks such contract knowing or having reasonable cause to believe that the probable consequences of his so doing either alone or in combination with others will be to deprive the inhabitants of that city or place, or part thereof wholly or to great extent of their supply of power or light, commits an indictable offence and is punishable either on summary conviction before two Justices of the Peace or on indictment by fine of $100 or three months with or without hard labour (Code, sec. 499 (*b*)). A municipal corporation or authority is in the same position as any other person supplying light or power and

is liable for wilfully breaking a contract to supply same, the prosecution being on indictment or on summary conviction before two Justices of the Peace and a fine leviable not exceeding $1,000 (Code, sec. 499 (2)).

5. *Damaging Apparatus.*—Everyone is guilty of an indictable offence and liable to two years' imprisonment who wilfully destroys, removes or damages anything which forms part of or is used or employed in or about any electric light, or in the working thereof or for the transmission of electricity, for lawful purposes or prevents or obstructs the transmission of electricity for any such electric light (Code, sec. 521 (1). It is also an offence for any person to wilfully, by any overt act to attempt to commit such offence and is punishable on summary conviction by $50 fine or three months with or without hard labour (Code, sec. 521 (2)).

Employment Agencies—

1. *Organization and Co-ordination.*—The general control of employment agencies has been with the Dominion of Canada, and owing to the unsettled conditions following the Great War, an endeavour was made to encourage the formation of employment agencies under provincial supervision, and to this end was enacted the *Employment Offices Co-ordination Act,* 1918. Under this Act money grants can be made by the Dominion Government to the various provincial governments for the maintenance of provincial employment bureaus (*Ibid.,* sec. 4). The conditions upon which these grants are payable, appear in the agreement between the two governments and must include the following:—1, That the offices shall endeavour to fill situations in all trades and for both male and female employees; 2, that the offices shall make returns and submit to inspection (*Ibid.,* sec. 7). The compiling of information regarding prevailing conditions of employment, and the establishment of a clearing house for such information is aimed at by this legislation (see *Ibid.,* sec. 3). Regulations have been made under this Act (*Vide, Canada Gazette,* 23rd Dec., 1918).

2. *Inspection and Regulation.*—Private employment agencies have been subject to Government inspection for some time under the *Immigration Act,* 1910. Regulations have been passed pursuant to section 66 of that Act, and are to be found in the *Canada Gazette,* vol. xlvii, p. 1239, as amended.

Escapes and Rescues—

1. *Crimes and Offences.* — These include: — 1, Assisting prisoners of war to escape (Code, sec. 186); 2, prison breach

(Code, sec. 187); 3, attempted prison breach (Code, sec. 188); 4, escape from lawful custody or prison (Code, secs. 189, 190); 5, assisting or permitting person sentenced to death or life to escape (Code, sec. 191); 6, assisting or permitting escape of persons other than those sentenced to death or life imprisonment (Code, sec. 192); 7, failing to perform legal duty and permitting escape (Code, sec. 193); 8, conveying things into prison to prisoners (Code, sec. 194); 9, causing discharge of prisoner under pretended authority (Code, sec. 195); 10, assisting girl to escape from a reformatory (*Prisons and Reformatories Act*, R. S. C. 1906, ch. 48, sec. 153 (2)).

2. *Preventing Escape.*—A peace officer may attempt to shoot an offender who is escaping, but a private person may not, as the latter is only justified in using such force as is not likely to result either in death or in grievous bodily harm (see Code, secs. 41, 42). There are several provisions which give protection from *criminal responsibility* when preventing the escape of an offender but the justification depends on the circumstances (see Code, secs. 41-45).

Evidence—

1. *Oath and Affirmation.*—Every Court and Judge and every person having by law, or consent of parties, authority to hear and receive evidence, has power to administer an oath to every witness who is legally called to give evidence before that Court, Judge or person. If the person called or desiring to give evidence objects on grounds of conscientious scruples, to take an oath, or is objected to as incompetent to take an oath, such person may affirm as follows:—"I solemnly affirm that the evidence to be given by me shall be the truth, the whole truth and nothing but the truth," and upon the person making such solemn affirmation, his evidence shall be taken to have the same effect as if taken under oath (*Canada Evidence Act*, R. S. C. 1906, ch. 145).

2. *Documentary.*—There are special provisions in the *Canada Evidence Act*, R. S. C. 1906, ch. 145, with regard to the following documents:—1, King's Printers' Copies of Acts (*Ibid.*, sec. 16); 2, Imperial proclamations (*Ibid.*, sec. 20); proclamations of Governor-in-Council (*Ibid.*, sec. 21); 3, proclamations of Lieutenant-Governors-in-Council (*Ibid.*, sec. 22); 4, judicial documents for British or foreign courts (*Ibid.*, sec. 23); 5, official or public documents of Canada or any province (*Ibid.*, sec. 24 (*a*)); 6, by-laws, entries in registers, of municipality or cor-

poration (*Ibid.*, sec. 24 (*b*)); 7, copies or extracts from original book or document of public nature admissible in evidence on mere production from proper custody (*Ibid.*, sec. 25); 8, copies of entries in books kept in Dominion Government Departments (*Ibid.*, sec. 26); 9, copies of notarial acts in Quebec (*Ibid.*, sec. 27); 10, Secretary of State orders (*Ibid.*, sec. 29); 11, *Canada Gazette* notices and advertisements (*Ibid.*, sec. 30). Notice of production is a condition precedent to the admissibility of certain books and documents in evidence (see *Canada Evidence Act*, R. S. C. 1906, ch. 145, sec. 28).

3. *Proof of Certified Copies or Extracts.*—No proof is required of the handwriting or official position of any person certifying in pursuance of the *Canada Evidence Act*, R. S. C. 1906, ch. 145, to the truth of any copy of, or extract from any proclamation, order, regulation, appointment, book or other document. (*The Canada Evidence Act*, R. S. C. 1906, ch. 145, sec. 31).

4. *Handwriting.*—Comparison of a disputed writing with any writing proved to the satisfaction of the Court to be genuine is permitted to be made by witnesses (*Canada Evidence Act*, R. S. C. 1906, ch. 145, sec. 8).

5. *Rules.*—These are to be found in the judicial decisions of the courts, and in the various statutes, Dominion and Provincial. There are certain statutory rules dealing with:—1, Incompetency through interest or crime (*Canada Evidence Act*, R. S. C. 1906, ch. 145, sec. 3), 2, competency of accused, and the wife or husband of the accused (*Ibid.*, sec. 4); 3, answering incriminating questions (*Ibid.*, sec. 5); 4, number of expert witnesses allowed (*Ibid.*, sec. 7); 5, adverse witness (*Ibid.*, sec. 9); 6, admissibility of previous oral and written statements and depositions (*Ibid.*, secs. 10, 11); 7, questions as to previous convictions (*Ibid.*, sec. 12); 8, commenting on the failure of certain persons to give evidence (*Ibid.*, sec. 5).

6. *Proof of Age.*—(*See* AGE, 2).

7. *Evidence of Child.*—(*See* CHILDREN, 6).

8. *Proof of Unchastity.*—The burden of proof of previous unchastity on the part of the girl or woman in prosecutions under Code, secs. 211, 212, 213, is upon the accused (Code, sec. 210).

9. *Commission out of Canada.*—There are two provisions in the Criminal Code of Canada dealing with the taking of evidence by commission in criminal cases, one having reference to summary conviction trials and the other to indictable offences

(see Criminal Code, sec. 716 and 997). In indictable cases whenever it is made to appear, at the instance of the Crown, or of the prisoner or defendant, to the satisfaction of the Judge of any superior court or the Judge of a county court having criminal jurisdiction, that any person who resides *out of Canada* is able to give material information relating to any indictable offence for which a prosecution is pending, or relating to any person accused of such offence the Judge may, by order under his hand, appoint a commissioner or commissioners to take the evidence, upon oath of such person (Code, sec. 997 (1)). The rules and practice are the same as in other cases, and the depositions taken under such commission may be used at the trial (*Ibid.*, sec. 997 (2)). In the case of summary conviction trials under Part XV of the Criminal Code, a Judge of any superior or county court can appoint a commissioner or commissioners to take the evidence upon oath of any person who resides *out of Canada,* and is stated to be able to give material information relating to an offence for which a prosecution is pending under the summary convictions part of the Code, or relating to any person accused of such an offence in the circumstances and in the manner in which he might do so under section 997 in indictable cases as above mentioned, but no such appointment can be made in summary conviction cases without the consent of the Attorney-General (Code, sec. 716 (2))

10. *Commission Within Canada.*—In indictable offences cases the evidence of a person dangerously ill can be taken by commission and whenever it is made to appear at the instance of the Crown, or of the prisoner or defendant to the satisfaction of a Judge of a superior court, or a Judge of a county court having criminal jurisdiction, that any person who is dangerously ill, and who in the opinion of some licensed medical practitioner is not likely to recover from such illness, is able and willing to give material information relating to any indictable offence, or relating to any person accused of any such offence, such Judge may by order under his hand appoint a commissioner to take in writing the statement on oath or affirmation of such person (Code, sec. 995 (1)). The presence of the prisoner who is in actual custody can be provided for in the same order by an order directing him to be conveyed to the place where the statements are to be taken (*Ibid.*, sec. 996).

11. *Depositions as Evidence.*—The admission in evidence of depositions is regulated by the Criminal Code and the *Canada Evidence Act.* These statutes provide as follows:—1, Deposi-

tions of *sick persons* taken by commission under section 995 can, under the circumstances set out in section 998, be used upon the trial of any offender for any offence to which the same relates (Code, sec. 998); 2, depositions taken at *preliminary hearing* of the *charge against the accused* can be used upon the trial of an accused person when the conditions set out in section 999 have been complied with (Code, sec. 999); 3, depositions taken at the *preliminary hearing* of any charge against any person can be used *in trial for other offences* committed by such person (Code, sec. 1000); 4, depositions taken on *commission outside Canada* can be used in evidence at the trial (Code, sec. 997); 5, depositions transmitted to the Court on the *former trial* together with the Judges' and official stenographers' notes and the depositions transmitted on the subsequent charge are admissible in evidence to prove or disprove the identity of the charges *on a plea of autrefois acquit* or *autrefois convict* (Code, sec. 908).

12. *Fabricating.*—It is an indictable offence punishable with seven years' imprisonment for any person to fabricate evidence by any means other than perjury or subornation of perjury, with intent to mislead any court of Justice or person holding any such judicial proceedings (Code, sec. 177).

13. *Proof of Previous Conviction.*—The proof of a previous conviction for the purpose of prosecutions under the Criminal Code of Canada can be established by a certificate containing the substance and effect only (omitting the formal part) of any previous indictment and conviction for an indictable offence or in the case of a summary conviction by a copy of the summary conviction purporting to be signed by the clerk of the court before which the offender was first convicted or to which such summary conviction was returned, or by the deputy of such clerk or officer. The identity of the person of the offender with that of the person previously convicted is necessary, but no proof is required of the signature or official character of the person appearing to have signed the certificate (Code, sec. 982). (See also Code, sec. 757 (3)). As to previous convictions of persons receiving stolen goods see Code, sec. 994.

14. *Proof of Previous Judicial Proceedings.*—The proof of the fact of there having being a trial in which perjury was committed is established by the production of a certificate containing the substance and effect only (omitting the formal part) of the indictment and trial for any offence purporting to be signed by the clerk of the Court or other officer having custody

of the records of the Court whereat the indictment was tried or among which such indictment has been filed, or by the deputy of such clerk or officer. No proof is necessary of the signature or official character of the person appearing to have signed the certificate (Code, sec. 979).

15. *Proof of Conviction or Dismissal on Summary Trial.*—The proof of the conviction or dismissal of a person summarily tried under Part XVI. of the Code can be established by a copy of such conviction or of a certificate of dismissal by the proper officer of the Court (Code, sec. 794).

16. *Prima Facie Evidence.*—The Criminal Code and various other statutes contain one or more sections dealing with matters of evidence, and particularly as to what is *prima facie* evidence in certain prosecutions thereunder. See Criminal Code, sections 985 (gaming), 986 (disorderly houses), 987 (gaming in stocks), 988 (stealing ores or minerals), 989 (theft of cattle), 990 (theft of timber and sawlogs), 991 (offences relating to public stores), 992 (fraudulent marks on merchandise).

Exchequer Bills—

1. *Definition.* — The definition of "exchequer bill" for the purpose of prosecutions under the forgery sections of the Criminal Code includes exchequer bonds, notes, debentures, and other securities issued under the authority of the Parliament of Canada, or under the authority of the legislature of any province forming part of Canada, whether before or after such province so became a part of Canada (Code, sec. 335 (*h*)). The definition of "exchequer bill paper" means any paper provided by the proper authority for the purpose of being used as exchequer bills, exchequer bonds, notes, debentures or other securities issued under the authority of the Parliament of Canada, or under the authority of the legislature of any province forming part of Canada, whether before or after such province became a part of Canada (Code, sec. 335 (*i*)).

2. *Crimes and Offences.*—The crimes and offences respecting exchequer bills include:—1, Making or having in possession machinery or material for making exchequer bill paper (Code, sec. 471 (a)); 2, engraving, using or possessing plate or material for exchequer bill or bank note (Code, sec. 471 (*b. c. d*)); 3, making or having in possession exchequer bill paper (Code, sec. 471 (*e*)).

Ex Officio—

This means, official, by virtue of an office held. As an example, the position of a coroner, and an inspector of police, are sometimes, by statute, made *ex officio* justices of the peace.

Ex Parte—

On behalf of. A proceeding by one party in the absence of another.

Explosives—

1. *Definitions.*—1, The word "explosive" is defined in the Explosives Act, 1914, (ch. 31), sec. 2 (*d*), as meaning gunpowder, blasting powder, nitroglycerine, gun cotton, dynamite, blasting gelatine, gelignite, fulminates of mercury, or other metals, coloured fires, and every other substance whether chemical compound, or mechanical mixture, used or manufactured with a view to produce a violent effect by explosion, or a pyrotechnic effect, and includes fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, fog and other signals and every other adaptation or preparation of an explosive as defined above. (*The Explosives Act,* 1914, ch. 31, sec. 2 (*d*). 2. "Explosive substance," is defined by the Criminal Code, sec. 2 (14), as including any materials for making an explosive substance; also any apparatus, machine, implement or materials, used or intended to be used, or adapted for causing or aiding in causing any explosion in or with any explosive substance; and also any part of any such apparatus, machine or implement (Code, sec. 2 (14)).

2. *Crimes and Offences.*—The crimes and offences relating to explosives, and explosive substances include the following:—1, Causing grievous bodily harm by explosives (Code, sec. 279); 2, attempted murder by putting explosives in buildings (Code, sec. 264 (*e*)); 3, sending explosive substances by mail (*Post Office Act,* R. S. C. 1906, ch. 66, sec. 122); 4, using explosives to kill fish (*Fisheries Act,* 1914, ch. 8, sec. 73); 5, carrying explosives by ship without making same known to authorities (*Water Carriage of Goods Act,* 1910, ch. 61, sec. 13); 6, selling ammunition to Indians (*Indian Act,* R. S. C. 1906, ch. 81, sec. 148); 7, sending explosives by ship without being properly marked (*Shipping Act,* secs. 722, 723); 8, sending explosives by Government railway without being properly marked as such (*Government Railways Act,* R. S. C. 1906, ch. 36, sec. 75); 9, disclosing confidential information with respect to manufacture of explo-

sives (*Explosives Act,* 1914, ch. 31, sec. 24); 10, manufacturing, selling or possessing unauthorized explosive (*Explosives Act,* 1914, ch. 31, sec. 22), 11; causing explosion or fire in powder factory (*Explosives Act,* 1914, ch. 31, sec. 21); 12, trespassing on premises of powder factory or magazine (*Explosive Act,* 1914, ch. 31, sec. 20); 13, obstructing officers under *Explosives Act* (*Explosives Act,* 1914, ch. 31, sec. 19); 14, violating provisions of the *Explosives Act* (*Explosives Act,* 1914, ch. 31, sec. 23); 15, making or possessing explosives for criminal purposes (Code, sec. 114); 16, doing any act with intent to cause an explosion for criminal purposes (Code, sec. 113); 17, attempting to destroy property by explosives (Code, sec. 112); 18, wilfully causing a dangerous explosion (Code, sec. 111); 19, throwing explosives against vessel or placing same near building (Code, sec. 280 (*b*)); 20, sending, throwing or exploding explosive substance with criminal intent (Code, sec. 280 (a)); 21, causing bodily harm by explosives (Code, sec. 279).

3. *Consent to Prosecutions.*—Consent of the Attorney-General is required in respect of prosecutions under sec. 113 of the Code for making or having explosives. A Justice can, however, in the case of any person so charged, make a remand or otherwise provide for the safe custody of the person charged (Code, sec. 594).

Extortion—

1. *Crimes and Offences.*—For list of crimes and offences respecting extortion *see* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Extradition—

1. *Definition.*—Extradition is the surrender of a fugitive criminal by a foreign state.

2. *Crimes and Offences.*—A list of extraditable crimes and offences is contained in the schedules to the *Extradition Act,* R. S. C. 1906, ch. 155. Those crimes extraditable *under treaty* are contained in schedule 1 of the said Act. Those crimes extraditable *irrespective of treaty* are contained in Schedule 3 of the said Act, or are to be found set out in the extradition arrangement.

3. *Procedure.*—The procedure is regulated by statutory provisions and by international treaties. It is very technical. The extradition proceedings are shortly as follows. An information

is laid before a Justice of the Peace, and depositions making out a *prima facie* case are taken down in writing and certified in accordance with the law regarding extradition procedure. These depositions properly certified are produced before an extradition commissioner in the foreign state and an information there laid and a hearing held to inquire whether the accused should be extradited or not. The commissioner makes the order to extradite and commits accused to gaol upon production of a warrant of *recipras*, the marshal or other person in charge of the gaol hands over the prisoner to the constable or other person named in such warrant. The application to extradite is made by the Government on request of the police authorities.

Fabricating Evidence—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

False Pretences—

1. *Definition.*—A false pretence is a representation either by words or otherwise, of a matter of fact either present or past, which representation is known to the person making it to be false and which is made with a fraudulent intent to induce the person to whom it is made to act upon such representation (Code, sec. 404 (1)).

2. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

3. *Exaggerated Commendation.* — Exaggerated commendation or depreciation of the quality of anything is not a false pretence, unless it is carried to such an extent as to amount to a fraudulent misrepresentation of fact. It is a question of fact whether such commendation or depreciation does or does amount to a fraudulent misrepresentation of fact (Code, sec. 404 (2, 3)).

False Statements—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

False Returns

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Falsifying Books—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Fees and Costs—

1. *In Summary Conviction Cases.*—These are fixed by section 770 of the Criminal Code of Canada and are as follows:—

FEES TO BE TAKEN BY JUSTICES OF THE PEACE.

1.	Information or complaint and warrant or summons..	$ .50
2.	Warrant where summons issued in first instance	.10
3.	Each necessary copy of summons or warrant.....	.10
4.	Each summons or warrant to or for a witness or witnesses. (Only one summons on each side to be charged for in each case, which may contain any number of names. If the justice of the case requires it, additional summonses shall be issued without charge)	.10
5.	Information for warrant for witness and warrant....	.50
6.	Each necessary copy of summons or warrant for witness	.10
7.	For every recognizance	.25
8.	For hearing and determining case	.50
9.	If case lasts over two hours	1.00
10.	Where one Justice alone cannot lawfully hear and determine the case the same fee for hearing and determining to be allowed to the associate Justice.....	
11.	For each warrant of distress or commitment	.25
12.	For making up record of conviction or order where the same is ordered to be returned to sessions or on *certiorari*	1.00
	But in all cases which admit of a summary proceeding before a single Justice and wherein no higher penalty than $20 can be imposed, there shall be charged for the record of conviction not more than	.50
13.	For copy of any other paper connected with any case, and the minutes of the same if demanded, per folio of 100 words	.05
14.	For every bill of costs when demanded to be made out in detail	.10
	(Items 13 and 14 to be chargeable only when there has been an adjudication).	

CONSTABLES' FEES.

1. Arrest of each individual on a warrant, or, arresting without a warrant an individual who is subsequently convicted or committed for trial $1.50
2. Serving summons or subpœna ..... .50
3. Mileage to serve summons, subpœna or to make an arrest, one way, per mile ..... .13
   (If no public conveyance is available, reasonable livery charges to be allowed).
4. Mileage when service cannot be effected, upon proof of due diligence, one way ..... .13
5. Returning with prisoner after arrest to bring same before a Magistrate or Justice for preliminary hearing or trial where the Magistrate or Justice is not at place where warrant was handed constable, and where the journey is of necessity over a different route than that travelled to make the arrest, per mile, one way.. .13
6. Taking prisoner to gaol on remand or committal, one way, per mile ..... .13
   (Not payable if this is return journey from taking prisoner before the Justice, double mileage not being chargeable).
7. Attending Magistrate or Justices on summary trials, or on examination of prisoners charged with crime, for each day necessarily employed, only one day's fees on any number of cases 2.00
8. Serving distress warrant, and returning same 1.50
9. Advertising under distress warrant 1.50
10. Travelling to make distress, or to search for goods to make distress, when no goods are found, one way, per mile ..... .13
11. Appraisements, whether by one appraiser or more—two cents in the dollar on the value of the goods.
12. Catalogue sale and commission, and delivery of goods —five cents in the dollar on the net produce of the goods.

WITNESSES' FEES.

1. Each day attending trial ..... $ .75
2. Mileage travelled to attend trial (one way) per mile... .10

INTERPRETERS' FEES.

1. Each day attending trial $2.00
2. Mileage travelled to attend trial (one way) per mile... .10

APPEAL.

See sec. 754 to sec. 759 of the Code.

2. *Preliminary Hearings.*—There does not appear to be any scale of fees for Justices, constables, or witnesses attending at preliminary hearings. The scale under sec. 770 above set out would appear to have reference only to matters on summary conviction. It is the practice, however, in some of the provinces to pay the out of pocket expenses of persons who attend as witnesses at preliminary enquiries. The practice does not appear to be uniform in all provinces.

3. *Summary Trials of Indictable Offences.*—The costs in cases tried under Part XVI and XVIII of the Criminal Code are regulated by sec. 1044 of the Criminal Code. Any court or any Judge under Part XVIII or magistrate under Part XVI by whom judgment is pronounced or recorded, upon the conviction of any person for any indictable offence, in addition to such sentence as may otherwise by law be passed, may condemn such person to the payment of the whole or any part of the costs or expenses incurred in and about the prosecution and conviction for the offence of which he is convicted, if to such Court or Judge it seems fit so to do. Such Court or Judge may include in the amount to be paid such moderate allowance for loss of time as the Court or Judge, by affidavits or other inquiry and examination, ascertains to be reasonable. The payment of such costs and expenses, or any part thereof, may be ordered by the Court or Judge to be made out of any moneys taken from such person on his apprehension, if such moneys are his own or may be enforced at the instance of any person liable to pay or who has paid the same in such and the same manner subject to the provisions of the Criminal Code, as the payment of any costs ordered to be paid by the judgment or order of any Court of competent jurisdiction in any civil action or proceeding may for the time being be enforced. Any costs ordered to be paid by a Court pursuant to these provisions must, in case there is no tariff of fees provided with respect to criminal proceedings, be taxed by the proper officer of the Court according to the lowest scale of

fees allowed in such Court in a civil suit. If the Court has no civil jurisdiction the fees are those allowed in civil suits in a superior Court of the province according to the lowest scale (Code, secs. 1044, 1047).

4. *Indictable Cases.*—Any Court by which and any Judge by whom judgment is pronounced or recorded upon the *conviction* of any person for treason or any indictable offence, in addition to such sentence as may otherwise by law be passed, may condemn such person to the payment of the whole or any part of the costs or expenses incurred in and about the prosecution and conviction for the offence of which he is convicted, if to such Court or Judge it seems fit so to do (Code, sec. 1044). Any costs ordered to be so paid must, in case there is no tariff of fees provided in respect of criminal proceedings, be taxed by the proper officer of the Court according to the lowest scale of fees allowed in such Court in a civil suit (Code, sec. 1047). If a person convicted on indictment for assault, whether with or without battery and wounding, is ordered to pay such costs, he is liable, unless the said costs are sooner paid, to three months in addition to the term of imprisonment if any, to which he is sentenced for the offence, and the Court can by warrant in writing, order the amount of such costs to be levied by distress and sale of the goods and chattels of the offender, and paid to the prosecutor and the surplus, if any, paid to the owner (Code, sec. 1046).

Fences—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Ferries—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Fines—

1. *Application.*—Fines collected for breach of the criminal law are applied in the manner laid down in the statutes. Usually there will be found in each statute a section stating to whom the fine is payable and where no such provision is made the fines are applied as set out in section 1036 of the Criminal Code (general); sec. 1041 (coinage); sec. 1042 (deserters); sec. 1043 (cruelty to animals).

2. *Recovery.*—Fines are recovered in the manner laid down by the statute under which the fine is imposed and if no such

provision is made the same are recoverable, with costs, as set out in section 1038 of the Code.

3. *Remission.*—Fines imposed under an Act of the Parliament of Canada are remitted by Order-in-Council issued by the Governor-in-Council under Code, sec. 1084.

4. *Disposition.*—Fines when recovered are payable either to: 1, Receiver-General for Canada; 2, Provincial Government, through the Attorney-General, or 3, the informant, by virtue of statutory authority. This general disposition is to be found in section 1036 of the Criminal Code, which provides that where there is no special disposition in any Act under which the penalty is imposed, then the fine is to be forwarded to the Provincial Treasurer. This general rule has several exceptions. The following fines are payable to the Receiver-General of Canada: 1, Fines arising from prosecutions made by Dominion officials; 2, fines arising from prosecutions against Dominion officials for breach of duty or malfeasance of office. Certain Acts have special provisions with regard to payment of moieties to informants and others, and sometimes to municipalities, as for example in the case of cruelty to animals, where the fine is prosecuted within the boundaries of a municipality (sec. 1043). Whenever any fine is paid over to any person other than the Provincial Treasurer, a receipt or receipts for the whole of it should invariably be taken, and, where an accounting is called for, produced to verify the disposition. Justices and magistrates are required to remit all fines promptly.

Fires—

Crimes and Offences.—See TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Fire Alarms—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Fish and Fishing—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Fixtures—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Flour, Meal and Feed—

1. *Inspection and Sale.*—The inspcetion and sale of flour, meal, and feed is regulated by the *Inspection and Sale Act,* ch.

85 of the Revised Statutes of 1906, as amended by *Inspection and Sale Act*, 1914, ch. 36.

2. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Food and Drugs—

1. *Adulteration.*—*See* ADULTERATION, 2, 3, *ante.*

2. *Sale of Opium and Other Prohibited Goods.*—*See* OPIUM AND DRUGS, *infra.*

3. *Meat and Canned Foods.*—*See* CANNED FOODS, *ante.*

Force—

1. *Arrest by Force.*—Every one executing any sentence, warrant or process, or in making any arrest, and every one lawfully assisting him is justified or protected from criminal responsibility, as the case may be, in using such force as may be necessary to overcome any force used in resisting such execution or arrest, unless the sentence, process or warrant can be executed or the arrest effected by reasonable means in a less violent manner (Code, sec. 39).

2. *Use of Force in Other Cases.*—There are certain provisions of the Criminal Code which deal with the use of force by peace officers and others. These are to be found in sections 39-66, and deal with the following amongst other subjects, namely, preventing escape by flight from arrest, preventing breaches of the peace, suppressing riots, preventing commission of certain offences by force, self-defence, defence of property, and discipline.

3. *Excessive Use.*—Everyone authorized by law to use force is criminally responsible for any excess, according to the nature and quality of the act which constitutes the excess (Code, sec. 66).

4. *Justification and Protection from Criminal Liability.*—The law governing the justification for the use of force, and also with respect to the protection of the person using such force, from criminal responsibility, is contained in sections 39-66 of the Criminal Code.

Forcible Entry—

1. *Definition.*—Forcible entry is where a person whether entitled or not enters in a manner likely to cause a breach of the peace, or reasonable apprehension thereof, on land then in actual and peaceable possession of another (Code, sec. 102 (1)).

2. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Forest Reserves—

1. *Regulation and Control.*—The Dominion Forest Reserves are under the regulation and control of the Minister of The Interior, at Ottawa. Rules and regulations are made by the Governor-in-Council under the *Forest Reserves and Parks Act,* 1911, ch. 10, as amended.

2. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Forgery—

1. *Definitions.*—Forgery is the making of a false document, knowing it to be false, with the intention that it shall in any way be used or acted upon as genuine, to the prejudice of any one whether within Canada or not, or that some person should be induced by the belief that it is genuine, to do or refrain from doing anything, whether within Canada or not (Code, sec. 466 (1)). A "false document" is defined by sec. 335 (*j*) of the Code.

2. *When Complete.*—Forgery is complete as soon as the document is made with such knowledge and intent as is set out in the above definition, though the offender may not have intended that any particular person should use or act upon it as genuine or be induced by the belief that it is genuine to do or refrain from doing anything. It is complete although the false document may be incomplete, or may not purport to be such a document as would be binding in law if it be so made and is such as to indicate that it was intended to be acted on as genuine (Code, sec. 466).

3. *Making False Documents*—Making a false document includes altering a genuine document in any material part, or making any material addition to it or adding to it any false date, attestation, seal or other thing which is material or making any material alteration in it, either by erasure, obliteration, removal or otherwise (Code, sec. 466 (2)). A "false document" is *defined* by sec. 335 (*j*) of the Code.

4. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

5. *Corroboration.*—No person accused of forgery under Part VII, secs. 468-470, inclusive, of the Criminal Code, can be convicted upon the evidence of one witness, unless such witness is

corroborated in some material particular by evidence implicating the accused (Code, sec. 1002).

6. *Uttering.*—*See* TABLE OF CRIMES AND OFFENCES, *infra.*

Forms—

1. *Code.*—The forms used in criminal cases are nearly all set out in the Criminal Code. They include the following:—*Form* 1, Information to obtain a search warrant (sec. 629); *Form* 2, warrant to search (sec. 630); *Form* 2A), backing on search warrant (sec. 629A); *Form* 3, information and complaint for an indictable offence (sec. 654); *Form* 4, warrant to apprehend a person charged with an indictable offence committed on the high seas or abroad (sec. 656); *Form* 5, summons to a person charged with an indictable offence (sec. 658); *Form* 6, warrant in the first instance *to apprehend* a person charged with indictable offence (sec. 659); *Form* 7, warrant when summons is disobeyed (sec. 660); *Form* 8, backing on warrant to apprehend (sec. 662); *Form* 9, warrant to convey before a Justice of *another* county (sec. 665); *Form* 10, receipt given to constable by Justice for county in which offence was committed (sec. 666); *Form* 11, summons to a witness (sec. 671); *Form* 12, warrant when *witness* has not obeyed summons (sec. 673); *Form* 13, conviction for contempt (secs. 674, 842); *Form* 14, warrant for witness in first instance (sec. 675); *Form* 15, warrant when a witness has not obeyed the subpœna (sec. 677); *Form* 16, warrant of commitment of a witness for refusing to be sworn or to give evidence (sec. 678); *Form* 17, warrant remanding a prisoner (sec. 679); *Form* 18, recognizance of bail instead of remand on adjournment of examination (sec. 681); *Form* 19, deposition of a witness (sec. 682); *Form* 20, statement of the accused (sec. 684); *Form* 21, recognizance where the prosecution requires the Justice to bind him over to prosecute after the charge is dismissed (sec. 688); *Form* 22, warrant of commitment following preliminary hearing (sec. 690); *Form* 23, recognizance *to prosecute* after preliminary hearing (sec. 692); *Form* 24, recognizance *to prosecute and give evidence* after preliminary hearing (sec. 692); *Form* 25, recognizance *to give evidence* following preliminary hearing (sec. 692); *Form* 26, commitment of a witness for refusing to enter into recognizance to give evidence at trial (sec. 694); *Form* 27, order discharging witness who is committed for not entering into recognizance to give evidence at trial (sec. 694; *Form* 28, recognizance of bail (sec. 696); *Form* 29,

warrant of deliverance on bail being given for a prisoner already committed (sec. 698); *Form* 30, receipt for prisoner (sec. 704); *Form* 31, conviction for a penalty to be levied by distress and in default of sufficient distress, imprisonment (sec. 727); *Form* 32, conviction for a penalty, and in default of payment, imprisonment (sec. 727); *Form* 33, conviction when the punishment is by imprisonment, and an order is made for payment of costs and in default, distress for such costs and additional imprisonment (sec. 727); *Form* 34, order for money, levy by distress and imprisonment in default (sec. 727); *Form* 35, order for money, and imprisonment in default without distress (sec. 727); *Form* 36, order following disobedience of summons (sec. 727); *Form* 37, order dismissing information, on complainant not appearing (sec. 730); *Form* 38, certificate of dismissal of information (sec. 730); *Form* 39, warrant of distress upon conviction for a penalty (sec. 741); *Form* 40, warrant of distress upon an order for payment of money (sec. 741); *Form* 41, warrant of commitment upon a conviction for a penalty in the first instance (sec. 741); *Form* 42, warrant of commitment on an order in the first instance (sec. 741); *Form* 43, constables return to a warrant of distress (sec. 741); *Form* 44, warrant of commitment for want of distress for fine, etc. (sec. 741); *Form* 45, warrant of distress for costs upon an order for dismissal of an information and complaint (sec. 742); *Form* 46, warrant of commitment for want of distress for costs (sec. 742); *Form* 47, backing on warrant of distress (sec. 743); *Form* 48, complaint by party threatened for sureties for the peace (sec. 748); *Form* 49, recognizance to keep the peace (secs. 748, 1058); *Form* 50, commitment in default of sureties to keep the peace (sec. 748); *Form* 51, recognizance to try an appeal on summary conviction (sec. 750); *Form* 52, certificate of Clerk of Court that costs of an appeal are not paid (sec. 759); *Form* 53, warrant of distress for costs on appeal (sec. 759); *Form* 54, warrant of commitment for want of distress for costs on appeal (sec. 759); *Form* 55, conviction, summary trial, indictable offences, imprisonment in first instance (sec. 799); *Form* 56, conviction on plea of guilty in summary trial of indictable offence (sec. 799); *Form* 57, certificate of dismissal on summary trial of indictable offence (sec. 799); *Form* 58, certificate of dismissal of juvenile offender (sec. 813); *Form* 59, conviction of juvenile offender (sec. 814); *Form* 60, record of speedy trial when prisoner pleads guilty (sec. 827); *Form* 61,

record of speedy trial when prisoner pleads not guilty (sec. 833); *Form* 62, warrant to apprehend witness required at speedy trial (sec. 842); *Form* 63, headings of indictment (secs. 845-6); *Form* 64, forms on indictment and stating offence (sec. 852); *Form* 65, certificate of indictment being found (sec. 879); *Form* 66, warrant to apprehend a person already indicted (sec 880); *Form* 67, warrant of commitment of a person indicted (sec. 881); *Form* 68, warrant of detention where prisoner already in custody (sec. 882); *Form* 69, challenge to the array (sec. 925); *Form* 70, challenge to poll (sec. 936); *Form* 71, certificate of execution of judgment of death (sec. 1068); *Form* 72, declaration of sheriff of execution of death sentence (sec. 1068); *Form* 73, endorsement of non-appearance to recognizance (sec. 1097); *Form* 74, writ of *fieri facias* (sec. 1105); *Form* 75, Justices' return (sec. 1133); *Form* 76, weapon permit (sec. 118).

Fortune Telling—

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Foxes—

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Fraud—

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Fruit—

1. *Sale and Inspection.*—The sections of the *Inspections and Sale Act,* R. S. C. 1906, ch. 85, dealing with the inspection and sale of fruit were repealed and substituted 24th May, 1918, by ch. 29 of the Statutes of Canada, 1918. The marking and packing of fruit is regulated by these new sections, and the regulations issued under sec. 320A of chapter 85, R. S. C. 1906, as amended. The crimes and offences respecting the sale and inspection of fruit will be found at the end of the volume.

2. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

3. *Canned Fruit.*—*See* CANNED FOODS, 2, *ante.*

Fugitive Offenders—

1. *Surrender.*—The surrender of fugitive offenders is regulated by the *Extradition Acts* and treaties and the *Fugitive Offenders' Act,* 1881 (*Imp.*), and the *Fugitive Offenders Act,*

R. S. C. 1906, ch. 154. A fugitive offender is really a person accused of having committed an offence to which the *Fugitive Offenders' Act,* R. S. C. 1906, ch. 154, applies *in any of His Majesty's Dominions,* except Canada, and who has left that part. The procedure for surrender is similar to that of extradition of criminals from foreign countries.

Furious Driving—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Gambling—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Gaming—

1. *House.*—This is defined by section 226 of the Criminal Code of Canada as amended by *Criminal Code Amendment Act,* 1918, ch. 16, sec. 2. As to *prima facie* evidence of a place being a common gaming house see sections 985 and 986 of the Criminal Code as amended by the *Criminal Code Amendment Act,* 1918, ch. 16, sec. 4. The search warrant and instructions with regard to seizures in gaming houses is contained in section 641 of the Code. The offence of keeping a common gaming house is dealt with by section 228 of the Code.

2. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

3. *Stock and Merchandise.* — The gaming in stocks or merchandise is prohibited under section 231 of the Criminal Code of Canada.

Gaols and Prisons—

1. *Regulation and Control.*—Prisons are operated under the *Prisons and Reformatories Act,* R. S. C. 1906, ch. 184. Penitentiaries are operated under the *Penitentiaries Act,* R. S. C. 1906, ch. 177. Gaols, common or provincial, are operated under the laws of the province in which they are erected, but the provisions of the *Prisons and Reformatories Act,* R. S. C. 1906, ch. 184, are usually applicable to the inmates.

2. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Gardens—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, under titles:—Plants, trees, shrubs, etc.

Gas—

1. *Inspection and Sale.*—The inspection and sale of natural gas, as well as manufactured gas, is regulated by the *Gas Inspection Act,* R. S. C. 1906, ch. 87, as amended by chapter 23 of the Statutes of 1910. Regulations can be made by Order-in-Council with regard to the testing of gas, and certain other matters.

2. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Gates—

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Gold—

1. *Export Prohibited.*—The export of gold may be prohibited by the Governor-in-Council at Ottawa, for any period during the two years following the termination of the present war, except under license from the Crown (1919, ch. 21, sec. 3). A proclamation issued on 3rd September, 1914, respecting such matters has been continued in force for two years after the war, but it may be rescinded sooner if necessary (1919, ch. 21, sec. 1).

Gold and Silver—

1. *Manufacture, Marking and Sale of Gold or Silver Articles.*—The manufacture, marking and sale of articles composed of gold or silver, and of gold plated and silver plated ware are matters dealt with by the *Gold and Silver Marking Act,* 1913, ch. 19. This Act consolidated the previous law and has been amended as follows:—Statutes of 1915, ch. 15; Statutes of 1918, ch. 23.

2. *Plated Articles.*—The marks on plated ware are set out in section 12 of the *Gold and Silver Marking Act,* 1913, ch. 19. Regulations by Order-in-Council defining other marks on plated ware can be made by the Governor-in-Council at Ottawa under the authority of sec. 12 (2) of the *Gold and Silver Marking Act,* 1913, ch. 19.

3. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Grain—

1. *Inspection.*—The inspection of grain is regulated by the *Grain Act,* 1912, ch. 27. This Act deals with the following, amongst other subjects, namely:—The appointment of a Board of Grain Commissioners, the establishment of inspection of divi-

sions, the appointment of a Board of Grain Examiners, the establishing of commercial and other grades of grain, the sale of grain, duties of weighmasters, the inspection of United States grain, the operation of elevators, investigation into complaints of unfairness and discrimination, the shipping of grain by farmers, the licensing of commission merchants, and generally with respect to the inspection, selling, warehousing, and grading of grain as defined by the Act.

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Habeas Corpus—

1. *Writ.*—The writ of *habeas corpus* is a writ which protects the liberty of the subject. Its object is to obtain the production, living or dead, of the body of the person named in the writ as being required to be produced. Any person illegally restrained of his liberty can apply for and obtain his discharge. It is usually applied for by a prisoner *in custody* who claims that his conviction is illegal or irregular and the practice to obtain the writ or order in such cases is regulated by rules of Court.

2. *Procedure.*—The procedure to obtain a writ of *habeas corpus* is usually set out in the Crown Office Rules for the province made under the authority of section 576 of the Criminal Code. The powers of the Court are dealt with by section 1120 of the Criminal Code.

Handwriting—

1. *Evidence.*—Comparison of a disputed writing with any writing proved to the satisfaction of the Court to be genuine can be permitted to be made by witnesses; and such writings, and the evidence of witnesses respecting the same, may be submitted to the Court and jury as evidence of the genuineness or otherwise of the writing in dispute (*The Canada Evidence Act,* R. S. C. 1906, ch. 145, sec. 8).

Harbours and Piers—

1. *Damaging.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

2. *Government.*—Excepting such wharfs, piers, and breakwaters as are on or connected with canals, the use, maintenance and ordinary repairs of all harbours, wharfs, piers and breakwaters constructed or completed at the expense of Canada or in any way the property of Canada, and the making and enforcing

of regulations concerning such use, maintenance and ordinary repairs and the collection of tolls and dues for such use are under the control and management of the Minister of Marine and Fisheries for Canada, under the *Government Harbours and Piers Act,* R. S. C. 1906, ch. 112. This Act, however, does not apply to the harbours of Toronto, Quebec, Montreal, Halifax, Pictou or St. John, New Brunswick, or any harbour under the management of commissioners appointed under any Act of the Parliament of Canada (*The Government Harbours and Piers Act,* R. S. C. 1906, ch. 112, secs. 3, 4).

Hard Labour—

1. *When Inflicted.*—Imprisonment in a common gaol, or a public prison, other than a penitentiary or the central prison for the Province of Ontario, the Andrew Mercer Ontario Reformatory for Females or any reformatory prison for females in the Province of Ontario, can be with or without hard labour, in the discretion of the Court or person passing sentence, if the offender is convicted on indictment, or under the provisions of Part XVI or XVIII, or in the Province of Saskatchewan or Alberta before a Judge of a superior Court or in the N. W. T. before a stipendiary magistrate or in the Yukon Territory before a Judge of the Teritorial Court. In other cases such imprisonment may be with hard labour if hard labour is part of the punishment for the offence of which such offender is convicted, and if such imprisonment is to be with hard labour the sentence shall so direct (Code, sec. 1057).

Hay—

1. *Inspection and Sale.*—The grades of hay are set out in section 340 of the *Inspection and Sale Act,* R. S. C. 1906, ch. 85, as the same appears in the *Inspection and Sale (Amendment) Act,* 1918, ch. 30. Sellers of baled hay in Canada must affix to every bale of hay sold or offered for sale a tag having thereon plainly written and legible, his name and business address and the weight of the bale (*Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 340F as amended by ch. 30, 1918).

2. *Labelling Bales.*—Labels must be affixed on all bales of hay, and the name and business address of the seller and weight of bale marked on the tag in accordance with *Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 340F as amended by ch. 30, 1918.

3. *Foreign Matter in Bales.*—Any person who puts any foreign matter into any bale of hay intended for sale, which im-

properly increases its weight, or which prejudicially affects the quality of the bale, is guilty of an offence and is punishable under section 342 of the *Inspection and Sale Act*, R. S. C. 1906, ch. 85, as amended by the *Inspection and Sale (Amendment) Act*, 1918, ch. 30.

4. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra*.

Health Department—

1. *Dominion.*—There is now a Dominion Health Department, in charge of a Minister of the Crown, at Ottawa. This department has control of the operation and enforcement of he *Quarantine Act*, the *Adulteration Act*, the *Public Works Health Act*, the *Leprosy Act*, sections 406, 407 and 408 of the *Shipping Act*, and the *Patent Medicines Act* (1919, ch. 24).

2. *Provincial.*—There is, besides the Dominion Health Department, a provincial health department in some of the provinces of Canada. The local health laws are invariably enforced by the local authorities and are not under Dominion control.

Holidays—

1. *Statutory.*—Certain days in the year are statutory holidays. These days are set out either in the Provincial or Dominion Statutes. The Dominion holidays are the same throughout Canada. Provincial holidays differ in the various provinces. The *Interpretation Act*, R. S. C. 1906, ch. 1, of the Statutes of Canada defines "holidays" as including Sundays, New Year's Day, the Epiphany, Good Friday, the Ascension, All Saints' Day, Conception Day, Easter Monday, Ash Wednesday, Christmas Day, the birthday or the day fixed for celebrating the birthday of the reigning sovereign, Victoria Day, Dominion Day, the first Monday in September, designated Labour Day, and any day appointed by proclamation for a general fast or thanksgiving (*Interpretation Act*, R. S. C. 1906,, ch. 1, sec. 34 (11)). Judicial proceedings should not, as a rule, be exercised on a statutory holiday.

2. *Sunday.*—At common law Sunday is not counted as a day for legal purposes, and all judicial proceedings on that day were considered void. This has been changed by statute in some cases only, and warrants under Criminal Code may be issued and executed on a Sunday or statutory holiday (Code, sec. 661 (3)).

Husband and Wife—

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra*.

2. *Evidence.*—The wife or husband of a person charged with an offence against any of the sections 202 to 206 inclusive, 238 and 239, 244, 244A, 245, 298 to 302, inclusive, 307 to 311, inclusive, 313 to 316 inclusive, of the Criminal Code are both competent and compellable witnesses for prosecution without the consent of the party charged (*Canada Evidence Act,* R. S. C. 1906, ch. 145, sec. 4 (2)).

3. *Theft Between.*—During cohabitation no husband or wife can be convicted of stealing the property of the other, but a husband or wife is guilty of theft where, he or she, intending to desert or on deserting the other or while living apart from the other, fraudulently takes or converts anything which is by law the property of the other in a manner which in any other person would amount to theft (Code, sec. 354).

4. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

5. *Search for Wife in House of Ill-fame.*—A husband can make complaint before a Justice and demand issue of a search warrant for his wife if he has reason to believe that she has been inveigled or enticed to a house of ill-fame or assignation. The Justice may order her to be delivered over to her husband if found under this search warrant (Code, sec. 640).

Ice—

1. *Holes.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES. *infra.*

Illicit Stills—

1. *Prosecutions.*—The prosecutions with respect to illicit stills as taken under the *Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 180. The procedure for the recovery of the penalties under the Act are set out in section 132 of the same Act.

Immigration—

1. *Regulation and Control.*—Immigration into Canada is regulated and controlled by the Department of Immigration at Ottawa, under the *Immigration Act,* as revised and consolidated by ch. 25 of the Statutes of Canada, 1919.

2. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Incest—

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Income Tax—

1. *Collection.*—The income tax is a federal tax, but is also collected by some of the cities in Canada. The federal law is to be found in *Income War Tax Act,* 1917, ch. 28, as amended by ch. 25, 1918.

2. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Indians—

1. *Supervision and Control.*—Unenfranchised Indians are under the control of the Dominion Government at Ottawa, and all matters are dealt with by the Indian Department. The laws and regulations governing all such matters are contained in the *Indian Act,* R. S. C. 1906, ch. 81, and the Orders in Council passed under the authority of that Act.

2. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Industrial Disputes—

1. *Investigation.*—Boards of conciliation and investigation can be appointed by the Minister of Labour at Ottawa, to investigate disputes between employers and employees in mines and industries connected with public utilities. These boards are appointed under the provisions of the *Industrial Disputes Investigation Act,* 1907, ch. 20, as amended by ch. 27 of the Statutes of 1918. The law has recently been extended and the Minister of Labour has been given wide powers to deal with industrial disputes. The Minister may where he deems it expedient, either upon or without any application in that behalf, make or cause to be made any inquiries he thinks fit regarding industrial matters, and may cause such steps to be taken by his department and the officers thereof as seem calculated to secure industrial peace, and to promote conditions favourable to settlement of disputes (*Industrial Disputes Amendment Act,* 1918, ch. 27, sec. 63B.

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Information—*See* COMPLAINT, *ante.*

Inland Revenue—

1. *Collection.*—The collection of inland revenue is in the hands of the Department of Inland Revenue at Ottawa, under the provisions of the *Inland Revenue Act,* R. S. C., ch. 51, as amended. From time to time departmental rules and regulations

are made for the purpose of carrying out the Act more efficiently. These departmental rules are issued by the department at Ottawa. The matters dealt with by this department include:—(*a*) The collection of all duties of excise; (*b*) the collection of stamp duties, and the preparation and issue of stamps and stamped paper, except postage stamps; (*c*) internal taxes; (*d*) standard weights and measures; (*e*) the collection of bridge and ferry tolls and rents. Licenses are issued by the department on payment of taxes or license fees where the business taxed requires a license, *e.g.*, distilleries, compounders, breweries, maltsters, bonded manufacturers, tobacco and cigar manufacturers, and acetic acid manufacturers (*Inland Revenue Act*, R. S. C. 1906, ch. 51).

2. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Inland Waters—

1. *Definition.*—The inland waters of Canada are defined as including all the rivers, lakes and other navigable waters within Canada, except salt water bays, arms of the sea, and gulfs on the sea coast, and includes the River St. Lawrence as far seaward as a line drawn from Cape Chatte on the south shore to Point de Monts on the north shore (*Canada Shipping Act*, R. S. C. 1906, ch. 113, sec. 326 (*c*)).

2. *Shipping.*—Shipping on inland waters is regulated by the *Canada Shipping Act*, R. S. C. 1906, ch. 113, Part IV. It does not, however, deal with barges and scows navigating rivers and canals. There are several statutory provisions governing the engagement of seamen on inland waters, their wages, and discharge (*see Canada Shipping Act*, R. S. C. 1906, ch. 115, secs. 326-380).

3. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Inquest—

1. *When Held.*—An inquest is usually held where a deceased person has come to his death from violence or unfair means, or culpable or negligent conduct of others. In the interests of the public an inquest should be held where there are any suspicious circumstances surrounding the death. In all such cases it is the duty of the nearest constable to notify the coroner, and without disturbing the body, keep watch until the coroner arrives. The following information should be in the possession of the con-

stable in charge:—1, Name, of deceased; 2, cause of death, if ascertainable; 3, statements of eye-witnesses, if any; 4, a sketch of the premises in detail with points of compass marked, and all distances shown in feet and inches. The jurors are sometimes notified by the coroner, but usually the coroner issues a jury summons, in which event the constable will be required to serve them. At the same time the constable summons the jurors he should notify the relatives of the deceased, and any witnesses, that an inquest is to be held, and should notify them of the time and place.

2. *Procedure.*—The procedure before a coroner is somewhat similar to that in a case before a magistrate. A court is held and the coroner's Court is a Court of Record. The jury, however, render the verdict, which is reduced into writing on a form called an "Inquisition." This form is usually filled in by the coroner, and should be accurate in detail, signed and sealed. The property of the deceased should be handed over after the inquest to the Public Administrator for the district, who will in turn hand the same over to the relative taking out administration or probate to the deceased's estate.

Insects and Pests—

1. *Regulation and Control.*—The introduction or admission into Canada, or the spreading therein of any insect, pest, or disease destructive to vegetation, has been the subject of special legislation. The Minister of Agriculture for the Dominion of Canada is authorized to appoint inspectors and other persons to enforce the Government regulations by Order-in-Council passed under the *Destructive Insect and Pest Act,* 1910, ch. 31. These orders in council are passed from time to time and are to be found in the *Canada Gazette.* They deal with the following things:—1, The prohibition of vegetable or other matter likely to introduce insects, pests or disease; 2, the treatment or vegetation, vegetable matter, or premises in order to prevent spreading of insects, pests or diseases; 3, the destruction of any crop, tree, brush, or other vegetation or vegetable matter or containers, infested, or suspected to be infested with insects, pests or disease; 4, granting compensation on destruction under Act; 5, prohibition of sale of vegetable matter infected with such insects, pests, or disease; 6, notification of diseases, and of insects and pests which are destructive (*Destructive Insects' and Pests' Act,* R. S. C. 1906, ch. 31, sec. 4).

2. *Crimes and Penalties.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Inspection and Sale—

1. *Staple Commodities.*—The sale of staple commodities used for household and other purposes, has been the subject of statutory regulation by the Dominion Government. An Act called the *Inspection and Sale Act,* R S.. C. 1906, ch 85, as amended, deals with such matters as the sale of hay, flour and meal, beef and pork, leather and raw hides, pot and pearl ashes, fish and fish oils, butter and cheese, apples and other fruits, binder twine. The sale and inspection of certain other commodities are dealt with by special statutes, *e.g.,* grain (see *Grain Act,* 1912); meat and canned foods (see *Meat and Canned Foods Act,* 1908, ch. 13); dairy products (see *Dairy Industry Act* 1914, ch. 7); fish (see *Fish Inspection Act,* 1914, ch. 45); see also under separate headings.

2. *Offences and Penalties.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Intimidation—

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Jurisdiction—

1. *Justices and Police Officers.*—The most difficult thing a Justice of the Peace, or police officer, or in fact any person connected with the administration of justice, has to do is to know just where their jurisdiction begins and ends. It is not to be wondered at, therefore, that many of them exceed their jurisdiction. They are not always to blame, in fact as the law stands today the line of demarkation is very hard to trace and every credit is due to those Justices of the Peace and police officers who use a wise discretion in not exercising too much power and authority where the matter can be dealt with by those having wider powers than themselves. Their motto should always be—*keep within your jurisdiction.—Never act in a case outside your district.*

2. *Summary Matters.*—Every complaint and information in a summary matter must be heard, tried and determined and adjudged by one Justice or two or more Justices as directed by the Act, or law, upon which the complaint or information is framed or by any other Act or law in that behalf. If there is a direction in any Act making the offence *punishable on summary conviction,* then the complaint or information can be

heard, tried and determined by *one or more Justices of the territorial division where the matter of the complaint or information arose* (see Criminal Code, sec. 707). If for any reason the Justice who has the right to sit on the case does not so sit, then he should give to the Justice who actually does sit on the case a letter or other instructions *in writing,* directing him to sit in his place.

3. *Preliminary Hearings* —When any person is accused of an *indictable* offence he is first brought before a Justice of the Peace for preliminary hearing. If the Justice holding a preliminary inquiry thinks that the evidence is *sufficient to put the accused on his trial,* he must commit him for trial by a warrant of commitment (Form 22), or as an alternative procedure the Justice can exercise his right to grant bail, instead of committing for trial, but this right must be used with discretion and in accordance with sec. 696 of the Code. If no sufficient case is made out to put the accused on his trial, the Justice must discharge him. The procedure for holding preliminaries, and the powers and duties of the Justice, will be found in sections 668 to 704 Criminal Code.

4. *Summary Trial of Indictable Offences.*—A single Justice has no jurisdiction whatever to finally hear and determine a case which is indictable. His only authority is that given by the Code to issue process remand and hold a preliminary inquiry. However, it is different where two Justices are sitting together. Two Justices and certain other magistrates have jurisdiction to hear and determine, finally, certain indictable offences set out in section 773 of the Criminal Code. Furthermore, in Ontario and in cities and towns elsewhere of a certain population police and stipendiary magistrates have extended powers and can finally hear and determine under Code sec. 777 certain indictable offences, now triable at quarter sessions, as set out in sections 582 and 583 of the Code.

Juvenile Delinquents—

1. *Definition.*—"Juvenile delinquents" means any child who violates any provision of the Criminal Code, or of any Dominion or Provincial Statute, or of any by-law or ordinance of any municipality for which violation punishment by fine or imprisonment may be awarded; or, who is liable by reason of any other act to be committed to an industrial school or juvenile reformatory under the provisions of any Dominion or Provincial Statute (*Juvenile Delinquents Act,* 1908, ch. 40, sec. 2 (*c*)).

2. *Age.*—To come within the provisions of the *Juvenile Delinquent Act* the boy or girl must be either apparently or actually under the age of 16 years (*Juvenile Delinquents Act,* 1908, ch. 40, sec. 2 (*a*)).

3. *Prosecutions.*—The child is charged with the offence known as "delinquency," *i.e.,* any of the acts enumerated in par. (*c*) of section 2 of the *Juvenile Delinquents Act,* 1908. All prosecutions and trials are proceeded with in a summary manner under Part XV, Criminal Code, except in the case of a boy or girl over 14 years charged with an indictable offence. In the latter case the Court in its discretion, may order the child to be proceeded with in the ordinary courts, and the procedure will then be the same as in all other indictable cases, namely, a preliminary hearing, etc., or possibly by summary trial (see Code, sec. 779).

4. *Penalties.*—When the child has been found guilty of a delinquency, and the Court thinks that a fine, or damages, or costs should be awarded, the Act requires that the Court must order the fine, damages or costs to be paid by the parent or guardian unless: 1, He cannot be found, or 2, he has not conduced to the commission of the offence by neglecting to exercise due care of the child or otherwise (see *Juvenile Delinquents Act,* 1908, sec. 18). Before inflicting a penalty on the parent or guardian he must have an opportunity of being heard (*Juvenile Delinquents Act,* 1908, sec. 18 (3)). Distress can be levied for penalties (*Ibid.,* sec. 18 (4)). The parent or guardian has a right of appeal from any such order (*Ibid.,* sec. 18 (5)). The penalties which the Court can inflict on the child, proved to be a juvenile delinquent, are:—1, Fine, $10; 2, commit the child to the care or custody of a probation officer, or any other suitable person; or 3, allow the child to remain in its home, subject to visitation of probation officers; or 4, place child in a foster home; or 5, commit child to charge of Children's Aid Society or Superintendent Neglected Children; or 6, commit the child (of 12 years or over) to an Industrial School (*see Juvenile Delinquent Act,* 1908, ch. 40, sec. 16).

Limitation of Actions—

1. *Criminal Code Offences.*—The time limit within which a prosecution under the Criminal Code can be commenced, is set out in sections 1140 to 1142.

2. *Other Cases.*—The time limit within which a prosecution under Statute, other than the Criminal Code, will be found set

out in the Statutes themselves. Failing this the offence, if punishable on summary conviction, would come under sec. 1142 of the Code.

3. *Table of Limitation of Actions.*—There is in many instances a time limit for bringing actions under section 1140 of the Criminal Code; prosecutions for certain offences must be brought within a given time limit. This time limit begins to run from the *commission* of the offence in the case of indictable offences, and from the time when the matter or complaint or information arose in summary conviction cases.

TABLE.

Offence.	Time Limit.
Advertisements—	
Proprietor of newspaper publishing advertisement offering reward for recovery of stolen property (sec. 183 (*d*))	6 months
Cattle—	
Railways and vessels violating provisions with regard to conveyance of cattle (sec. 544)	3 months
Refusing constable to see cattle during transportation (sec. 545)	3 months
Carnal knowledge—	
Parent or guardian procuring defilement of girl (sec. 215)	1 year
Procuring (sec. 216)	1 year
Householder permitting defilement of girls on premises (sec. 217)	1 year
Seduction girl under 16 (sec. 211)	1 year
Seduction under promise of marriage (sec. 212)	1 year
Seduction of ward or employee (sec. 213)	1 year
Corrupt practice in municipal affairs (sec. 161)	2 years
Cruelty to animals (secs. 542, 543)	3 months
Defiling women or girls—	
Parent or guardian procuring defilement of girl (sec. 215)	1 year
Unlawfully defiling women, procuring, etc. (sec. 216)	1 year
Householder permitting defilement of girls on their premises (sec. 217)	1 year

Offence.	Time Limit.
Fraud upon the government (sec. 158)	2 years
Fraudulent marking of merchandise (Part VII.)	3 years
Marriage—	
Unlawful solemnization (sec. 311)	2 years
Seduction under promise of (sec. 212)	1 year
Offensive weapons—	
Improper use of offensive weapons under sections 116, 118, 119, 120, 121, 122, 123, 124	1 month
Having offensive weapons in possession for purposes dangerous to public peace (sec. 115)	6 months
Refusing to deliver up weapon to Justice under sec. 126	1 year
Coming armed near public meeting (sec. 127)	1 year
Lying in wait near public meeting (sec. 128)	1 year
Procuring and defilement of women (sec. 216)	1 year
Riot Act—	
Opposing reading and continuing together after proclamation (sec. 92)	1 year
Seduction—	
Girl under 16 (sec. 211)	1 year
Under promise of marriage (sec. 212)	1 year
Ward or employee (sec. 213)	1 year
Stolen property—	
Proprietor of newspaper offering reward for recovery of stolen property (sec. 138 (*d*))	6 months
Summary conviction offences—	
North West Territories and Yukon (sec. 1142)	12 months
Other parts of Canada (sec. 1142)	6 months
Treason, except treason by killing His Majesty, or where the overt act alleged is an attempt to injure the person of His Majesty (sec. 74)	3 years
Treasonable offences (sec. 78)	3 years
Unlawful dwelling (sec. 98)	6 months
Unlawfully being drilled (sec. 99)	6 months

Living on Avails—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Live Stock—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

2. *General Provisions.—See* UNDER TITLE AGRICULTURE, *ante.*

Loan Companies—

1. *Regulation and Control.*—Loan companies incorporated for the purpose of exercising the powers set out in sections 61 and 62 of the *Loan Companies Act,* 1914, or for lending money on the security of mortgages or hypothecs upon freehold estate either with or without other objects or powers, are subject to the provisions of the *Loan Companies Act,* 1914, ch. 40, if they are incorporated by Act of the Parliament of Canada after the passing of the Act. Certain sections of this Act apply to other loan companies operating under Dominion Charter (see sec. 3 of the *Loan Companies* Act, 1914).

2. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Lord's Day—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Lotteries—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Marine Stores—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Marriage—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Matches—

1. *Manufacture.*—It is considered that the use of white phosphorus in the manufacture of matches constitutes a menace to the health of match factory employees, and is also attended with danger to the community at large. Legislation of a protective nature has been passed, and it is known as the *White Phosphorus Matches Act,* 1914, ch. 12. The use of white phosphorus in matches is now practically prohibited under section 3 of the Act. The importation of white phosphorus matches is also pro-

hibited under section 4. Orders in Council can be passed regulating the manufacture of matches with a view to seeing that the provisions of the Act are carried out effectively. These regulations are published in the *Canada Gazette.*

2. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Medical Practitioners—

1. *Criminal Responsibility.*—Every one is protected from criminal responsibility for performing with reasonable care and skill any surgical operation upon any person for his benefit provided that performing the operation was reasonable, having regard to the patient's state at the time and to all the circumstances of the case (Code, sec. 65).

2. *Duty to Take Care.*—Everyone who undertakes except in cases of necessity, to administer surgical or medical treatment, or to do any other lawful act, the doing of which is or may be dangerous to life, is under a legal duty to have and to use reasonable knowledge, skill, and care in doing any such act, and is criminally responsible for omitting without lawful excuse to discharge that duty if death is caused by such omission (Code, sec. 246).

Meetings—

1. *Unlawful.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Migratory Birds—

1. *Protection.*—The protection of migratory birds is a matter which has reached international importance. A convention between Canada and the United States was signed on 16th August, 1916, dealing with this subject. This convention was subsequently ratified by a statute called the *Migratory Birds Convention Act,* 1917, ch. 18. This Act defines "migratory game birds," "migratory non-game birds," and "migratory insectivorous birds" (see sec. 3). Regulations by Order-in-Council can be passed dealing with close seasons, granting permits, shipment and export and other purposes. These regulations are published from time to time in the *Canada Gazette.*

2. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

3. *Moieties.*—One-half of every penalty imposed and collected under the provisions of the *Migratory Birds Convention*

Act, 1917, or any regulation made thereunder when a game officer appointed without salary or any person who is not a game officer is the prosecutor, shall be paid to such game officer or person, or to the person on whose evidence the conviction is made, as the Justice of the Peace before whom the conviction is had may determine (1919, ch. 29, sec. 3).

Military Service—

Amnesty to Prisoners. — A proclamation has been issued granting an amnesty to offenders undergoing imprisonment, or who are subject to charges or prosecutions pending, or which may be instituted for offences against *The Military Service Act*, 1917, and the orders and regulations of the Governor-in-Council respecting military service, or for offences committed in Canada against military law punishable by courts martial, described in sections 4 to 40 inclusive of *The Army Act* (see *Canada Gazette*, vol. liii., p. 1928). The effect of this proclamation is such that all those now undergoing imprisonment can be discharged; that pending prosecutions for the said offences may be stayed; that the apprehension and prosecution of such offenders may be discontinued; and further, that all offences heretofore committed of the classes hereinbefore described. The penalties thereby incurred and not actually enforced and paid are pardoned, forgiven and remitted (see *Canada Gazette*, vol. liii., p. 1928).

Mischief—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra*.

Morphine—*See* OPIUM AND DRUGS.

Motor Cars—

1. *Theft.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra*.

2. *Regulation and Control.*—The licensing and control of automobiles in the Provinces of Canada are in the hands of the provincial authorities. There is in each province a Motor Vehicle, or Traffic Act, dealing with the licensing of motor cars. The offences under them are regulated by provincial laws.

3. *In Dominion Parks.*—A recent Order-in-Council has been passed regulating the use of motor vehicles in Dominion parks. It was passed on 18th June, 1919, and appears in the *Canada Gazette* of July 19th, 1919.

4. *Crimes and Offences.*—There are certain offences under the Criminal Code and these will be found in the Table of Dominion Crimes and Offences, *infra.*

National Battlefields—

1. *Regulation and Control.* — The National battlefields of Canada at Quebec are regulated and controlled by a commission known as "The National Battlefields Commission," appointed under the Act of 1908, ch. 57, as amended by the Act of 1914, ch. 46. The commission can make by-laws respecting their maintenance, preservation and protection and the prevention of injury to or encroachment on property of the commission. Violations of these by-laws are punishable on summary conviction.

2. *Offences and Penalties.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Negativing Exceptions—

1. *Informations.*—This is an expression used in connection with the prosecution of offences. In certain statutes it is provided that the prosecutor need not negative exceptions. This means that the prosecutor need not show that the defendant is expressly not within such excepted classes as the law permits, as, for example, that he is not a druggist, or a vendor, or a clergyman, etc., where the prosecution is under the *Liquor Act.* This must not be confused with proving that the defendant is in a particular class, or that the offence is one of a particular class, for example, where liquor is not allowed to be in a place, other than a dwelling-house, the information and complaint should show that the defendant did have liquor in a place, not being a dwelling-house. Where the constable is in doubt as to when to state such facts in the information he should look up the section governing the offence, and draft the information and complaint in the words of the statute.

Negligently Causing Fires—

1. *Fires Causing Loss of Life or Property.*—It is now an offence, punishable on indictment, with two years' imprisonment, to negligently cause any fire which occasions loss of life or loss of property (Code, sec. 515 (ia)). If there is any fire law in the neighborhood requiring apparatus for the extinguishment of fires or to facilitate the escape of persons in the event of fire, and the jury finds that the fire or loss of life would not have occurred if such law had been complied with, the person owning, occupying

or controlling the premises on which the fire occurs or originates is deemed to have caused the fire through negligence (1919, ch. 15, sec. 1).

2. *Refusing to make Alterations or Remove Inflammable Material.*—When any Dominion, provincial or municipal fire officer, or authority recommends to the owner, lessee, or other person controlling or operating any building, structure, factory, shipyard, vessel, dock, wharf, pier, sawmill, or yard in which logs or lumber are stored or held, that any reasonable change, alteration or addition, should be made in or to such building, structure, factory, shipyard, vessel, dock, wharf, pier, sawmill or yard with a view to safeguarding life or property from destruction by fire or that any material should be removed therefrom, with such view, or that any apparatus should be supplied therefor with such view; *and,* if such recommendation is approved by an officer in the service of His Majesty, thereto authorized by the Governor-in-Council; *and,* if after the expiration of 30 days from the receipt of such notice the owner, lessee, or other person refuses, neglects or otherwise fails to carry out such recommendation to the satisfaction of the officer in the service of His Majesty such owner, lessee or other person is guilty of an offence under section 514A of the Code (1919, ch. 15, sec. 2).

Night.

1. *Definition.*—For the purposes of the Criminal Code, "night," or "night-time," means the interval between 9 o'clock in the afternoon and 6 o'clock in the forenoon of the following day. (Code, sec. 2 (23)).

Nolle Prosequi.

1. *In Criminal Proceedings.*—The Attorney-General can at any time after an indictment has been found against any person for any offence, and before judgment is given thereon, direct the officer of the Court to make on the record an entry that the proceedings are stayed by his direction, and on such entry being made all such proceedings are stayed accordingly. (Code, sec. 962).

Offence Books.

Offence Books.—An Offence Book is intended to be a permanent record of all offences which come within the cognizance of the police and is usually kept at every headquarters. For conveni-

ence of registration and reference, offences could be entered in the same order as they appear in the Criminal Code but this is optional. This book should contain all possible information which can be gleaned as to each recorded crime. For instance: A person reports to a police station the loss of some property. The fact should at once be entered in the offence book, with a detailed description of the property, from whence stolen, when and where last seen, names, description and number of thieves, if known, and any information which may tend to the future recovery of the property and the arrest and identification of the thieves. The "Action" column should contain minute record of all action taken. If a warrant is issued, the name of the magistrate issuing the same should be recorded. The subsequent recovery of all or any of the property and conviction, etc., of the thieves, should also be entered in this column. The report of any crime requiring assistance for the apprehension of an offender, or the recovery of stolen property, etc., should be immediately circulated to the neighboring stations. Such reports, or circulars, when received, can be entered in the offence books of the stations concerned, in red ink, the object being to show at a glance what offences have been originally reported at each station, as distinguished from those that have been circulated for information. Offence books are strictly confidential, and the senior in charge of the station should be held responsible that none but members of the force have access thereto.

Opium and Drugs—

1. *Improper Use.*—The drug habit has increased in recent years and in fact is still increasing, notwithstanding that improper use of opium and certain other drugs is prohibited by the *Opium and Drug Act,* 1911, ch. 17.

2. *Offences and Penalties.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

3. *Search Warrants.*—If it be proved upon oath before any magistrate (*i.e.,* any Judge of the Sessions of the Peace, recorder, police magistrate, stipendiary magistrate, two Justices of the Peace, or any magistrate, having the power or authority of two or more Justices of the Peace) that there is reasonable cause to suspect that any drug is kept or concealed for any purpose contrary to the *Opium and Drug Act,* in any dwellinghouse, store, shop, warehouse, outhouse, garden, yard, vessel, or other place, such magistrate may grant a warrant to search by day or night

any such place for such drug, and if such drug is found, to bring it before him (*Opium and Drug Act,* 1911, sec. 7).

4. *Prosecutions.*—If any person charged with an offence against the *Opium and Drug Act,* 1911, pleads or alleges that he imported, manufactured, sold or offered for sale or had in possession any drug in respect of which the offence is charged for scientific or medicinal purposes, the burden of proof thereof is upon the person so charged (*Opium and Drug Act,* 1911, sec. 10).

5. *Drugs.*—The drugs covered by this Act are as follows:—Cocaine, or any salts or compounds thereof; morphine or any salts or compounds thereof; opium, eucaine or any salts or compounds thereof. The Governor-in-Council can add to this list any alkaloids, derivatives, or preparations of these drugs.

Orders-in-Council—*See* Chap ix., *infra.*

Orders of Court—

1. *Contempt.*—*See* CONTEMPT.

2. *Violation.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Parks—

1. *Dominion.*—The Dominion Parks and Forests are under the control and regulation of the Department of the Interior of Dominion Government at Ottawa under the *Forests Reserves and Parks Act,* which was consolidated in 1911. *See* FOREST RESERVES AND PARKS ACT, 1911, ch. 10. This Act has been amended from time to time and various Orders-in-Council have been passed regulating and controlling pool rooms, theatres, motor cars, etc., operating in Dominion Parks. These Orders-in-Council will be found in the Canada Gazette.

2. *Cities and Towns.*—Damage to parks and railings in streets of cities and towns, etc., is made punishable under the Code. *See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra,*

Patent Medicines—

1. *Sale.*—The sale of proprietary and patent medicines is regulated by legislation known as the *Proprietary and Patent Medicines Act,* 1908, ch. 56.

2. *Definition.*—A proprietary or patent medicine is defined as meaning every artificial remedy, or prescription, manufactured for the internal use of man, the name, composition, or definition of which is not found in the British Pharmacopoeia, the

Codex Medicamentarius of France, the Pharmacopoeia of the United States, or any foreign pharmacopoeia approved by the Minister of Inland Revenue, or any formulary adopted by any properly constituted pharmaceutical association, representing the Dominion of Canada, approved by the Minister of Inland Revenue; or upon which is not printed in a conspicuous manner, and forming an inseparable part of the label and wrapper, the true formula or list of medicinal ingredients, which must not contain cocaine or any of its derivatives or preparations. (*The Proprietary and Patent Medicines Act*, 1908, ch. 56.

3. *Labels.*—All proprietary or patent medicines are required by law to be put in packages or bottles, and every one of these intended for sale or distribution in Canada must have placed upon it, in conspicuous characters forming an inseparable part of the general label and wrapper, the name and number under which the medicine is registered, with the words: "*The Proprietary or Patent Medicine Act*," and also the manufacturers name and address. (*Proprietary and Patent Medicines Act*, 1908, ch. 56).

4. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra*.

Pears—

1. *Packing.*—The law requires that pears shall be packed in accordance with the provisions of the *Inspection and Sale and Amendment Act*, 1918, ch. 29. This Act repeals and re-enacts with changes, sec. 325 of the *Inspection and Sale Act*, 1906 R. S. C. ch. 85, and contains provisions dealing with size of packing boxes and their construction. (*The Inspection anl Sale Act*, R. S. C. 1906, ch. 85, sec. 325).

Perjury—

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

2. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra*.

Personation—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Petroleum and Naphtha—

1. *Inspection and Sale.*—The sale of petroleum and naphtha is regulated by statute, known as the *Petroleum and Naphtha Inspection Act,* R. S. C. 1906, ch. 86, as amended. The Act makes provisions for testing before sale, for the marking of barrels, cans, etc., and generally for the proper safeguard of the public purchasing such things. (See *The Petroleum and Naphtha Inspection Act,* R. S. C. 1906, ch. 86, as amended).

2. *Crimes and Penalties.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Plums—

1. *Packing.*—The law requires plums to be packed in a certain way when being prepared for sale. All plums or prunes packed in Canada for sale in Canada, by the box, must be packed in good and strong boxes of seasoned wood, the inside dimensions of which must be: length, 18 inches; width, 11½ inches; depth, 3¼ inches. (*The Inspection and Sale Amendment Act,* 1918, ch. 29, sec. 1, repealing and re-enacting with changes sec. 325 of the *Inspection and Sale Act,* 1906 R. S. C., ch. 85).

Potatoes—

1. *Inspection and Sale.*—The sale of potatoes is now regulated by statute and the various authorized grades will be found set out in section 337A of the *Inspection and Sale Act,* R. S. C. 1906, ch. 85, as amended by chapter 29 of the Statutes of 1918. Certain other stipulations with regard to weight of a bushel of potatoes will be found in section 337 of the same Act.

2. *Offences and Penalties.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Previous Convictions—

1. *Proof.*—In various statutes provision is made permitting the prosecution to put in evidence, or prove, previous convictions against the accused. Before this can be done there are certain formalities, and these vary with each Act, under which this course is permitted. The Act should be implicitly followed, otherwise the conviction may be quashed.

2. *Charging.*—In laying an information for a second or subsequent offence, the law requires that if the increased penalties

are to be imposed, then the fact of the previous convictions must be recited in the information; thus: "and the said offence is a second offence, the said defendant having previously, to wit, on the.....day of.....A.D., before ....., J.P., at..... in the said province, been convicted for....." In addition to this, proof is required in the proceedings. This can be given only at a particular time in the proceedings, and then only in a particular manner. The time is usually after conviction for the offence then under consideration, although it is sometimes allowed after proof only of such offence. The manner of proof is by certificate of conviction and identity of the accused with the person named in the certificate of the conviction. The object of reciting these previous convictions is to give the justice jurisdiction to inflict the severer penalties.

Prisoners—

1. *Search.*—Immediately after the arrest of a person charged with an indictable offence, the prisoner should be searched for weapons, or for anything connected with the crime, or anything which might facilitate his escape. A list of property should be made at once and signed by both constable and prisoner in the presence of a third party if possible; where no property is found, a statement to that effect should be signed in the same way. This list, in duplicate, should always accompany the prisoner wherever he may be confined. A receipt should be taken in every instance where he is handed over to the custody of another person and the duplicate list of property should be handed over with the prisoner. Special care must be exercised with regard to weapons to see that they are in a safe place, away from prisoners. If the prisoner be a female, a woman should be invariably employed to make the search. When an accused person, charged with an indictable offence who is on bail, surrenders himself into custody to stand his trial, or for any other purpose, he is to be searched forthwith for concealed weapons. Search should be made in a private room and not in open court. When prisoners have been arrested for non-indictable offences only, search should be made for offensive weapons.

2. *Security.*—Whenever a female prisoner is in custody, a woman should be employed to act as matron. Prisoners should not be left alone for the night or long periods without anyone in charge or present in the building, as such a practice might possibly endanger a prisoner's life. Where a constable has a

prisoner in charge and finds that pressing duties require his absence, he should employ a special constable to take charge of the prisoner and report the circumstances, without delay, to his superior officer. Officers should carefully look into the cell accommodation and report what improvements, if any, should be made for safety and convenience, bearing in mind the menace to life from fire, and the serious responsibility should a prisoner lose his life while in custody. Jewelry, money, valuable papers, etc., the property of prisoners, should be kept by the senior officer in a place of safety. Discipline in guard rooms should be rigidly maintained, and all of the duties in connection with the care of prisoners carefully performed. Frequent inspection of the cells, paying special attention to the general security thereof—door and window fastenings, levers, handcuffs and leg-irons, safety places for keys, etc., should be made. At such visits, they should inspect the prisoners and ascertain from them if they have any complaints; also examining both the quantity and quality of the food supplied. A suitable cell or cells should be set aside for female prisoners, separate and distinct from other portions of the guard room, and sanitary arrangements provided for these prisoners. They should be attended by the matron. Prisoners requiring medical attention should receive same promptly. Bedding of suspicious cases should be fumigated before being used by other prisoners, and all bedding aired frequently and kept in a state of absolute cleanliness. It is to be remembered that lunatics are only held for their own safety, and they should be treated with every kindness and consideration. Care should be taken to prevent them injuring themselves, or setting fire to the premises. A matron must invariably accompany escorts preceeding with female prisoners and female lunatics, the matron being in immediate charge, under the direction of the escort, the escort being responsible for security. A constable is often called upon to escort prisoners to and from courts, gaols, etc. The first consideration of an escort must be the security of the prisoners or property placed in his charge. He should frequently and closely inspect the handcuffs, chains, etc., placed on the prisoners; the fastenings of doors, windows, etc., of places in which they may be confined, and the locks, seals or other means by which the property in their charge is secured. Neither by night or day should an escort separate from or lose sight of its charge. Special precautions should be taken with prisoners going to lavatories. The officer in charge of a party on escort duty, should, as a general rule,

march in the rear of such escort, and the men should not be allowed to straggle on any pretence. Prisoners, when *en route*, should be kept in the centre of the party, and be allowed to hold no communication with anyone. The officer in charge of the party should take possession of any property belonging to the prisoners, make out a list thereof, and hand both over to the person to whom he delivers the prisoners, taking a receipt for the same. Escorts with prisoners generally have their side-arms loaded; with lunatics they should not wear side-arms.

Proclamations—

1. *List.*—A list of proclamations issued under the authority of Dominion Statutes will be found at the end of the annual statutes for 1918. This list is bought up to date each year and it will usually be found at the end of the annual statutes along with a table of statute law amendments. A few of the more recent proclamations are set out below. This list is merely intended to show the places where the proclamations can be found in the Canada Gazette and the Dominion Statutes.

PROCLAMATIONS.

1907-1918.

1. *Animal Contagious Diseases Act*, 1913, ch. 6.—Brought into force 15th July, 1913. *See* CANADA GAZETTE, Vol. 46, p. 4595 or Annual Statutes, 1914, p. lxxxi.

2. *Conservation Act*, 1913, ch. 12.—Brought into force 1st July, 1913. *See* CANADA GAZETTE, Vol. 47, p. 2, and Annual Statutes, 1914, p. lxxxi.

3. *Grain Act*, 1912, ch. 27.—Brought into force 13th April, 1917. *See* Annual Statutes, 1913, p. lxxxvii. Section 57 (subsecs. 2 and 3) of same Act, were brought into force 1st September, 1913. *See* CANADA GAZETTE, Vol. 46, p. 1498, and Annual Statutes, 1913, p. lxxxvii.

4. *Inland Revenue Amendment Act*, 1908, ch. 34.—Brought into force 1st June, 1908. *See* CANADA GAZETTE, Vol. 41, p. 2909, and Annual Statutes, 1908, p. cxxviii. Section 4 of the same Act was brought into force 1st May, 1908. *See* CANADA GAZETTE, Vol. 41, p. 2910, and Annual Statutes, 1908, p. cxxviii.

5. *Juvenile Delinquents Act*, 1908, ch. 40.—Brought into force in undermentioned places: *Alberta.*—25th April, 1914. *See* CANADA GAZETTE, Vol. 47, p. 3745. Annual Statutes, 1915,

p. ccxxxv. *Berlin.*—31st October, 1914. *See* CANADA GAZETTE, Vol. 48, p. 1302. Annual Statutes, 1915, p. ccxxxv. *Brant (County of).*—4th February, 1916. *See* CANADA GAZETTE, Vol. 49, p. 2594. Annual Statutes, 1916, p. clxxxiv. *Brantford.*—4th February, 1916. *See* CANADA GAZETTE, Vol. 49, p. 2594. Annual Statutes, 1916, p. clxxxiv. *Charlottetown.*—10th December, 1910. *See* CANADA GAZETTE, Vol. 44, p. 1797. Annual Statutes, 1911, p. cv. *Dauphin (Man.).*—4th August, 1916. *See* CANADA GAZETTE, Vol. 50, p. 640. Annual Statutes, 1917, p. clxi. *Galt (City).*—22nd April, 1919. *See* CANADA GAZETTE, Vol. lii., 3435. *Halifax.*—25th February, 1911. *See* CANADA GAZETTE, Vol. 44, p. 2783. Annual Statutes, 1911, p.cvi. *Montreal.*—30th December, 1911. *See* CANADA GAZETTE, Vol. 45, p. 2504. Annual Statutes, 1912, p. clxvii. *Ottawa.*—24th July, 1909, *See* CANADA GAZETTE Vol. 43, p. 227. Annual Statutes, 1910, p. cl. *Manitoba Eastern Judicial District.*—2nd March, 1918. *See* CANADA GAZETTE, Vol. 51, p. 3038. Annual Statutes, 1918, p. xcvi. *Perth (County).*—4th April, 1914. *See* CANADA GAZETTE, Vol. 47, p. 3442. Annual Statutes, 1914, p. lxxxii. *Pictou (County).*—25th September, 1915. *See* CANADA GAZETTE, Vol. 49, p. 1053. Annual Statutes, 1916, p. clxxxiv. *St. Mary's (Ont.).*—3rd May, 1917. *See* CANADA GAZETTE, Vol. 50, p. 3953. Annual Statutes, 1918, p. xcv. *Saskatchewan.*—17th July, 1917. *See* CANADA GAZETTE, Vol. 51, p. 261. Annual Statutes, 1918, p. xcv. *Stratford.* — 4th April, 1914. *See* CANADA GAZETTE, Vol. 47, p. 3442. Annual Statutes, 1914, p. lxxxii. *Timiskaming.*—24th October, 1914. *See* CANADA GAZETTE, Vol. 48, p. 1237. Annual Statutes, 1915. p. ccxxxv. *Toronto,* 2nd December, 1911. *See* CANADA GAZETTE, Vol. 45, p. 2112. Annual Statutes, 1912, p. clxvii. *Vancouver,* —9th July, 1910. *See* CANADA GAZETTE, Vol. 44, p. 78. Annual Statutes, 1911, p. cv. *Victoria.*—19th November, 1910. *See* CANADA GAZETTE, Vol. 44, p. 1525. Annual Statutes, 1911, p. cv. *Waterloo (Ont.) (County).*—26th December, 1914. *See* CANADA GAZETTE, Vol. 48, p. 1970. Annual Statutes, 1915, p. ccxxxv. *Winnipeg.*—30th January, 1909. *See* CANADA GAZETTE, Vol. 42, p. 2064 and p. 2543. Annual Statutes, 1909, p. ciii.

6. ***Milk Test Act,*** 1910, ch. 59.—Brought into force 1st January, 1911. *See* CANADA GAZETTE, Vol. 44, p. 165. Annual Statutes, 1911, p. cv.

7. *Parcel Post Act,* 1913, ch. 35.—Brought into force 1st April, 1914. *See* CANADA GAZETTE, Vol. 47, p. 3322. Annual Statutes, 1914, p. lxxxii.

8. *Prisons and Reformatories Act,* 1912, ch. 43.—Brought into force 24th January, 1914. *See* CANADA GAZETTE, Vol. 47, p. 2435. Annual Statute, 1914, p. lxxxii.

9. *Prisons and Reformatories Act,* 1913, ch. 39, sec. 5.—Brought into force 1st September, 1914. *See* CANADA GAZETTE, Vol. 48, p. 532. Annual Statutes, 1915, p. ccxxxv.

10. *Proprietary and Patent Medicine Act,* 1908, ch. 56.—Brought into force 1st April, 1909. *See* CANADA GAZETTE, Vol. 42, p. 1575. Annual Statutes, 1909, p. ciii.

Railways—

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

2. *Continuing Offences.*—Offences under the *Railway Act,* 1919, are in some instances to be considered as continuing offences. When the violation of or failure to comply with any provision of the *Railway Act,* 1919, or with any regulation, order or direction of the Governor-in-Council, the Minister, the Board, or an inspecting engineer, is made, by the *Railway Act,* or any regulation thereunder, an offence subject to a penalty, each day's continuance of such violation, or failure to comply constitutes a new and distinct offence (*Railway Act,* 1919, ch. 68, sec. 445).

3. *Companies' Criminal Liability for Acts of its Officers or Agents.*—The company is liable for the acts or omissions under the *Railway Act,* 1919, of its officers or agents acting within the scope of their employment and the company is liable to the same penalty as the individual offender (*The Railway Act,* 1919, ch. 68, sec. 446).

4. *Procedure.*—Certain special provisions are contained in the Railway Act, 1919, with regard to prosecutions, procedure and consent (*see* RAILWAY ACT, 1919, ch. 68, sec. 448).

Remand—

1. *Preliminary Hearing.*—The powers of a Justice holding a preliminary hearing are contained in Code, sec. 679. This section deals also with the subject of remands. The Justice can adjourn a preliminary hearing from time to time, and change the place of hearing if from the absence of witnesses, the inability of a witness who is ill to attend at the place where the Justice usually sits or from any other reasonable cause, it appears desirable to do so, and may remand the accused by Code Form 17. No

remand can be for more than eight clear days, the day following that on which the remand is made being counted as the first day. If any remand is for a time not exceeding three clear days the Justice can verbally order the constable or other person in whose custody the accused then is, or any other constable or person named by the Justice in that behalf, to keep the accused person in his custody and to bring him before him or such other Justice as shall then be acting at the time appointed for continuing the examination. The remand can be made on bail, and instead of committing the accused to custody as in Form 17 sureties for the accused's appearance can be taken and a recognizance (Form 18) entered into. At the close of the preliminary hearing the Justice, if he does not wish to commit the accused for trial, can remand the accused for trial and admit him to bail but only on the conditions and under the circumstances set out in section 696 of the Code. The form to be used in the latter case is Code Form 28.

2. *Summary Conviction Matters.*—Whenever a Justice adjourns the hearing of any summary conviction case he may suffer the defendant to go at large or may commit him to the common gaol or other prison within the territorial division for which such Justice is then acting, or to such other safe custody as such Justice thinks fit or may discharge the defendant upon his recognizance with or without sureties at the discretion of such Justice conditioned for his appearance at the time and place to which such hearing or further hearing is adjourned. Whenever any defendant who is discharged upon such recognizance, or allowed to go at large, does not appear at the time mentioned in the recognizance or to which the hearing or further hearing is adjourned, the Justice may issue his warrant for his apprehension (Code, sec. 722). These adjournments cannot exceed eight clear days.

Reserved Case—

1. *Granting.*—The Court before which any accused person is tried may either during or after the trial reserve any question of law arising either on the trial, or on any of the proceedings preliminary, subsequent or incidental thereto, or arising out of the direction of the Judge, for the opinion of the Court of Appeal under section 1014 of the Criminal Code. The trial proceeds in the ordinary way and if the result is a conviction the Court can respite the execution of the sentence, or postpone sentence till the question reserved has been decided, and must either commit

the person convicted to prison, or admit him to bail with one or two sufficient sureties in such sums as the Court thinks fit, to surrender at such time as the Court directs (Code, sec. 1014). The question reserved is set out in legal form or "stated" as it is called for the opinion of the Court of Appeal. If the Court refuses to reserve the question asked for, then there is a right of appeal under sec. 1015 from such refusal.

Restitution—

1. *Stolen Property.*—This is applicable to stolen property. It is dealt with by section 1050 of the Criminal Code. Where the proceedings are in the nature of a summary trial under Part XVI. of the Criminal Code, for an indictable offence, the authority is contained in section 817, as regards cases of juvenile offenders. Restitution of property under a search warrant where an accused is dismissed is dealt with under section 631. Where no person is committed for trial, the goods held under search warrant are to be returned to the person from whom they were taken. This is done by order of the Justice.

Returns—

1. *Justices.*—Certain returns are required by the Criminal Code to be made by Justices with respect to convictions and money received. These are to be sent quarterly on or before the second Tuesday in each of the months of March, June, September, and December. This return goes to the clerk of the peace, clerk of the court or other proper officer for the district and is in Code form 75. There are also other returns under the various Provincial Justices and Police Magistrates Acts to the Attorney-General's Department for the respective provinces. A neglect to make these returns or to make false returns is punishable under Code sec. 1134.

2. *Statistical.*—Certain statistical returns are required by the Dominion Bureau of Statistics. The clerk of every Court or tribunal administering criminal justice, or in case of there being no clerk the Judge or other functionary presiding over such Court or tribunal, must before the end of October in each year fill up and transmit to the Dominion Statistician for the year ending 30th September, preceding, certain schedules relating to the criminal business transacted in such Court or tribunal. The forms can be obtained from the Dominion Statistician, Government Buildings, Ottawa.

Rules of Court—

1. *Criminal Practice.*—These are made under the authority of section 576 of the Criminal Code. They deal with sittings of Courts, procedure in certiorari, and form of cases stated under the Criminal Code.

Search Warrants.—*See* WARRANTS 1.

Sedition—

1. *Words.*—Seditious words are words expressive of a seditious intention (Code, sec. 132 (1)).

2. *Libel.*—Seditious libel is a libel expressive of a seditious intention (Code, sec. 132 (2)).

3. *Conspiracy.*—A seditious conspiracy is an agreement between two or more persons to carry into execution a seditious intention (Code, sec. 132 (3)).

4. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Seduction—

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Self Defence—

1. *Unprovoked Assault.*—Every one unlawfully assaulted, not having provoked such assault, is *justified* in repelling force by force, if the force he uses is not meant to cause death or grievous bodily harm, and is no more than is necessary for the purpose of self defence. Every one so assaulted is justified, though he causes death or grievous bodily harm, if he causes it under reasonable apprehension of death, or grievous bodily harm from the violence with which the assault was originally made or with which the assailant pursues his purpose, and if he believes, on reasonable grounds, that he cannot otherwise preserve himself from death or grievous bodily harm (Code, sec. 54).

2. *Provoked Assaults.*—Everyone who has without justification assaulted another, or has provoked an assault from that other, may nevertheless *justify* force subsequent to such assault, if he uses such force under reasonable apprehension of death or grievous bodily harm from the violence of the person first assaulted or provoked, and in the belief on reasonable grounds, that it is necessary for his own preservation from death or grievous bodily harm, if he did not commence the assault with intent to kill or do grievous bodily harm, and did not endeavour at any time before the necessity for preserving himself arose, to

kill or do grievous bodily harm, and if before such necessity arose he declined further conflict, and quitted or retreated from it as far as was practicable. Provocation within the meaning of the Code may be given by blows, words or gestures (Code, sec. 54).

3. *Assault Coupled with Insult.*—Everyone is justified in using force in defence of his own person, or that of any one under his protection, from an assault accompanied with insult, if he uses no more force than is necessary to prevent such assault, or the repetition of it. This does not, however, justify the wilful infliction of any hurt or mischief disproportionate to the insult which the force used was intended to prevent (Code, sec. 55).

Shipping—

1. *Registration and Classification.*—The registration and classification of ships in Canada is provided for in the *Canada Shipping Act,* R. S. C. 1906, ch. 113, Part I. These provisions, however, do not apply to ships belonging to His Majesty. Certain other ships are exempt, under sections 5-7 of the Act, from registration (*see Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 5-7).

2. *Masters and Mates.*—The principal laws governing masters and mates will be found in the *Canada Shipping Act,* R. S. C. 1906, ch. 113, Part II.

3. *Seamen.*—The principal laws governing seamen will be found in Part III. of the *Canada Shipping Act,* R. S. C. 1906, ch. 113. Its application, however, is limited under section 127 of the Act to the provinces of Quebec, Nova Scotia, New Brunswick, P. E. Island, and British Columbia.

4. *Inland Waters.*—The inland waters of Canada include all the rivers, lakes, and other navigable waters within Canada except salt water bays, arms of the sea, and gulfs on the sea coast, and includes the river St. Lawrence, as far seaward as a line drawn from Cape Chatte, on the south shore, to Point de Monts, on north shore. (*Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 326 (e)). The shipping and seamen on such inland waters are regulated by the provisions of Part IV. of the *Canada Shipping Act,* R. S. C. 1906, ch. 113. Barges and scows navigating rivers and canals are not regulated by these provisions. The registration of inland vessels was formerly regulated by the Act respecting the Registration of Inland Vessels, ch. 41 of the Consolidated Statutes of the late province of Canada.

5. *Pilots and Pilotage.*—These matters are regulated by Part VI. of the *Canada Shipping Act,* R. S. C. 1906, ch. 113.

6. *Inspection of Steamboats.*—This is provided for in Part VII. of the *Canada Shipping Act,* R. S. C. 1906, ch. 113. There are certain exceptions from its provisions and these will be found set out in sections 566, 567 of the said Act.

7. *Inspection of Ships.*—This is provided for in Part VIII. of the *Canada Shipping Act,* R. S. C. 1906, ch. 113.

8. *Safety and Accidents.*—These matters are dealt with by Part IX. of the *Canada Shipping Act,* R. S. C. 1906, ch. 113, and provision is made, amongst other things, with respect to:—Drunk and disorderly persons, dangerous goods, grain cargoes.

9. *Salvage and Wrecks.*—These matters are dealt with by Part X. of the *Canada Shipping Act,* R. S. C. 1906, ch. 113.

10. *Crimes and Offences.*—A list of offences and their penalties as the same are applicable to ships and shipping will be found in the Table of Dominion Crimes and Offences, *infra.* These include offences under the Criminal Code as well as under the Shipping Act.

Slaughtering Diseased Animals—

1. *Compensation.*—The Governor-in-Council can order a compensation to be paid to the owners of animals slaughtered under the provisions of section 6 of the *Animal Contagious Diseases Act,* R. S. C. 1906, ch. 75, as amended, and in all cases the value of the animal for which compensation is ordered is determined by the Minister of Agriculture for the Dominion, or by some person appointed by him, but except where otherwise specially provided in the Act, the value must not exceed:—1, In the case of grade animals $200 for each horse, $80 for each head of cattle, and $20 for each pig or sheep; 2, in the case of pure-bred animals $500 for each horse, $250 for each head of cattle, and $75 for each pig or sheep. It must be remembered, however, that these provisions only remain in operation for three years from 24th May, 1918 (*Animal Contagious Diseases Amendment Act,* 1918, ch. 8).

Statement of Accused—

1. *Use.*—This is made under the authority of section 684 on preliminary hearing. The actual words used should be taken down in writing on the form provided, namely, Form 20.

Statistics—

1. *Information.*—There is a Dominion Bureau of Statistics, with offices at Ottawa. This bureau has charge of the collection

and classification of all statistics which are collected under Dominion Acts, *e.g.*, census statistics, criminal statistics, population and agriculture. These are collected under the provisions of the *Statistics Act*, ch. 43, 1918.

2. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Stock Yards—

1. *Regulation and Control.*—*See* AGRICULTURE 10.

Straw—

1. *Sale.*—There are certain provisions with regard to selling straw. An Act (amending the *Inspection and Sale Act*, R. S. C. ch. 85) was recently passed dealing specifically with the sale of hay and straw. This Act is the *Hay and Straw Inspection Act*, ch. 30, 1918. Grades are established, and other regulations made with respect to inspection and making of bales of straw.

2. *Offences and Penalties.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Strikes and Lockouts—*See* INDUSTRIAL DISPUTES.

Subpoena—

1. *Issue.*—This is a writ issued in the name of the King. It commands the attendance of the person named therein at a given time and place, to give evidence. This writ is issued under the authority of sections 676 and 974 (witness outside province). Where a witness is likely to depart from the jurisdiction a subpœna can in such a case be served upon him, and thus give him notice of the trial at which he is required to give evidence. He must then return on that date or be punished for contempt.

Summary Conviction—

1. *Matters.*—The offences and matters which are within the authority of a justice to try summarily are: 1, Penal offences or contraventions of law which stipulate that they are punishable on summary conviction, and 2, orders for payment of money in *quasi-criminal* matters, such as wage cases. The procedure on summary conviction is regulated entirely by sections contained in Part XV. of the Criminal Code, and the Act making the offence punishable on summary conviction.

2. *Trials.*—*See* CHAPTER IV.

Summary Trials—

1. *Matters.*—These must not be confused with trials on summary conviction. A summary trial is one which is a trial of

an indictable offence under Part XVI. of the Criminal Code, as under section 773. A single Justice has no jurisdiction whatever to try any such offence. Two Justices, or a police magistrate, have in certain cases.

2. *Trials.*—*See* CHAPTER IV.

Summons—

1. *Issue and Service.*—A summons is a magistrate's order to appear in Court with reference to a matter named therein, at a given time. It is frequently used in summary conviction matters, under the authority of section 711 of the Criminal Code. It is signed by the Justice who issues it and states shortly the complaint. It is never to be signed in blank. A copy of the summons for service should accompany the original. Service is effected by delivering the copy to the person to whom it is directed, or if he cannot be found, left at his place of abode or business, with some inmate of the house not under 16 years of age (sec. 672). The constable will be called upon to prove that he had reasonable and probable grounds for believing that the summons would eventually reach the person to whom it was addressed. Otherwise the service will be irregular. Personal service is to be effected if at all possible. Where the person to who it is addressed is unable to read, then the contents should be explained to him.

2. *Forms.*—There are a variety of summonses which the constable may be called upon to serve. These include the following: Summons to person charged with an indictable offence (form 5, sec. 658); summons to a witness (form 11, sec. 671); summons to defendant (form 5, sec. 711); summons to a witness out of the jurisdiction (sec. 713), and a subpœna (sec. 676).

Sunday—*See* HOLIDAYS.

Theft—

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

2. *Definition.*—Theft or stealing is the act of fraudulently and without colour of right taking, or fraudulently, and without colour of right converting to the use of any person, anything capable of being stolen, with intent:—(*a*) To deprive the owner, or any person having any special property or interest therein, temporarily, or absolutely, of such thing, or of such property or

interest; or, (*b*) to pledge the same or deposit it as security; or (*c*) to part with it under a condition as to its return which the person parting with it may be unable to perform; or, (*d*) to deal with it in such a manner that it cannot be restored in the condition in which it was at the time of such taking and conversion. Theft is committed when the offender moves the thing or causes it to move, or to be moved, or begins to cause it to became movable, with intent to steal it (Code, sec. 347).

Threats—

1. *Crimes and Offences.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Tobacco and Cigarettes—

1. *Sale to Minors.*—The cigarette habit has been the subject of legislation. An endeavour was made to prohibit the sale of tobacco to minors and the outcome of this was the passing of the *Tobacco Restraint Act,* 1908, ch. 73.

2. *Offences and Penalties.—See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

3. *Licenses.*—Tobacco and cigar licenses are dealt with by the *Inland Revenue Act,* 1906 R. S. C., ch. 51, Part VIII.

4. *Duties.*—These are regulated by Part VIII. of the *Inland Revenue Act,* R. S. C. 1906, ch. 51.

Tobacco Growing—

1. *License.*—Persons who desire to grow tobacco in Canada must make application to the Collector of Inland Revenue for the division in which the farm or other property upon which he proposes to grow tobacco is situated, for a license under the *Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 328A, as amended, 1918, ch. 28 sec. 2.

2. *Tobacco Grown for Personal Use.*—The provisions of the *Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 328A, requiring a license to grow tobacco in Canada, do not apply in the case of a person growing tobacco on his own land or property solely for the use of himself and such members of his family as are resident with him on the farm or property on which the tobacco is grown and not for sale, provided the quantity so grown in any one year does not exceed thirty pounds for every adult male member of the family resident on such farm or premises (*Inland Revenue Act,* 1918, ch. 28, sec. 2).

Trading Stamps—

1. *Unlawful Use.*—There are certain provisions in the Criminal Code with regard to the use of trading stamps. These will be found in sections 505-508 of the Criminal Code.

2. *Offences and Penalties.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Tuberculosis—

1. *Milk Cows.*—Regulations have been made by the Dominion Department of Agriculture for the purpose of preventing the spread of tuberculosis in animals. An Order-in-Council, 16th December, 1917, has been passed authorizing the Department of Agriculture for the Dominion to assist any city or town which signifies in writing to the Veterinary Director-General its desire to have such assistance in controlling bovine tuberculosis in cows supplying milk and cream to such city or town, providing the city or town undertakes to provide that:—1, Dairies in which milk or cream are produced for sale therein shall be licensed; 2, no license shall be issued unless the dairy conforms to the required standard; 3, the standard shall require that the stable shall have an ample amount of air space, and at least two square feet of window glass for each cow, and shall be well ventilated, drained and kept clean and sanitary; 4, two years from the date of the first test of the cattle of a dairy, the sale within the said city or town of unpasteurized milk or cream from the said dairy shall be prohibited, unless the veterinary inspector can certify that the said herd contains no re-actors and in his opinion is free from tuberculosis; 5, an inspector or inspectors shall be appointed and paid by the city or town, whose duty it shall be to see that the undertakings and provisions are carried out, and the cows are kept clean and properly fed and cared for (par. 2). The Order-in-Council also contains provisions dealing with the disposal of infected cows either by 1, immediate slaughter, or 2, slaughter after being prepared for the block, by drying off and feeding; or 3, retaining them in the herd and selling no milk or cream until it has been pasteurized (par. 5). (*See* Order-in-Council, 16th December, 1917, Canada Gazette, Vol. l., p. 3664).

Unlawful Assembly—

1. *Definition.*—An unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose, assemble in such a manner or so conduct themselves when assembled as to cause persons in the neighbourhood of such

assembly to fear, on reasonable grounds, that the persons so assembled will disturb the peace tumultuously or will by such assembly needlessly and without any reasonable occasion provoke other persons to disturb the peace tumultuously (Code, sec. 87 (1). Persons lawfully assembled may become an unlawful assembly if they conduct themselves with a common purpose in such a manner as would have made their assembling unlawful if they had assembled in that manner for that purpose. It must be remembered, however, that an assembly of three or more persons for the purpose of protecting the house of any one of their number against persons threatening to break and enter such house in order to commit any indictable offence therein is not unlawful (Code, sec. 87).

3. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Uttering—

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Vagrancy—

1. *Persons Wandering Abroad or Sleeping Out.*—Loose, idle or disorderly persons, or vagrants include those who, not having any visible means of subsistence are found wandering abroad, or lodging in any barn or outhouse, or in any deserted or unoccupied building, or in any cart or wagon, or in any railway carriage or freight car, or in any railway building, and do not give a good account of themselves. Those who, not having any visible means of maintaining themselves, live without employment, are also included as loose, idle or disorderly person or vagrants (Code, sec. 238 (*a*)). It must be remembered, however, that it is specially provided by law that no aged or infirm person is to be convicted for any reason within Code, sec. 238 (*a*), as a loose, idle or disorderly person or vagrant, in the country of which he has for the two years immediately preceding been a resident (Code, sec. 239).

2. *Unemployed.*—Loose, idle or disorderly persons or vagrants include those who, being able to work, and thereby or by other means to maintain themselves and family, wilfully refuse or neglect to do so (Code, sec. 238 (*b*)).

3. *Persons Exposing Indecent Exhibitions.*—Loose, idle or disorderly persons or vagrants include those who openly expose or exhibit in any street, road, highway or public place, any indecent exhibition (Code, sec. 238 (*c*)).

4. *Beggars.*—Loose, idle or disorderly persons or vagrants include persons who, without a certificate signed, within six months by a priest, clergyman, or minister of the Gospel, or two Justices, residing in the municipality where the alms are being asked, that he or she is a deserving object of charity, wanders about and begs, or goes about from door to door, or places himself or herself in any street, highway, passage or public place to beg or receive alms (Code, sec. 238 (*d*).

5. *Loitering and Obstructing Passengers.*—Loose, idle or disorderly persons or vagrants include those who loiter on any street, road, highway or public place *and* obstruct passengers by standing across the footpath, or by using insulting language, or in any other way (Code, sec. 238 (*e*)).

6. *Causing Disturbance.*—Loose, idle or disorderly persons or vagrants include those who cause a disturbance in or near any street, road, highway, or public place by screaming, swearing or singing, *or,* by being drunk, *or,* by impeding or incommoding peaceable passengers (Code, sec. 238 (*f*)).

7. *Wantonly Disturbing the Peace.*—Loose, idle or disorderly persons, or vagrants, include those who by discharging firearms, or by riotous or disorderly conduct in any street or highway, wantonly disturb the peace and quiet of the inmates of any dwellinghouse near such street or highway (Code, sec. 238 (*g*)).

8. *Defacing Property.*—Loose, idle, or disorderly persons or vagrants, include those who tear down or deface signs, break windows, or doors or door plates, or the walls of houses, roads or gardens, or destroy fences (Code, sec. 238 (*h*)).

9. *Prostitutes and Night Walkers.*—Loose, idle, or disorderly persons or vagrants include those who, being common prostitutes or night walkers, wander in the fields, public streets, or highways, lanes, or places of public meeting or gathering of people and do not give a satisfactory account of themselves (Code, sec. 238 (*i*)).

10. *Persons Maintaining Themselves by Gaming or Crime.*—Loose, idle or disorderly persons or vagrants include those who, having no peaceable profession or calling to maintain themselves by, support themselves by gaming or crime, or by the avails of prostitution (Code, sec. 238 (*l*)).

11. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

12. *Public Place.*—"Public place" is defined under **Part V.** of the Criminal Code (sec. 197 (*c*)), as including any open

place to which the public have or are permitted to have access and any place of public resort (Code, sec. 197 (*c*)).

13. *Search Warrants.*—The search warrants which can be issued in vagrancy cases will be found in section 643 of the Code.

14. *Disorderly Houses.*—It will be noticed that paragraphs (*j*) and (*k*) of section 238 which deals with keepers, inmates and frequenters, have been repealed by the *Criminal Code Amendment Act*, 1915, sec. 7. There has, however, been new legislation on these subjects and now *inmates of bawdy houses* can be indicted under sec. 229A, and *keepers* of *disorderly houses* and *inmates of bawdy houses* can be tried summarily under sec. 773 (*f*) of the Code as an indictable offence. The offence of *frequenting disorderly houses* is now no longer contained in the Code, but persons *found in* disorderly houses are punishable on summary conviction under sec. 229.

Vegetables—

1. *Sale.*—The sale of vegetables is regulated by the *Inspection and Sale Act*, R. S. C. 1906, Part X., sec. 337 *et seq.*

2. *Offences and Penalties.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

War Measures—

An order in Council dated 20th December, 1919, has been passed repealing all orders and regulations of the Governor-in-Council which depend for their sanction upon section 6 of the *War Measures Act*, 1914, and the said orders and regulations are repealed as from the 1st day of January, 1920, with the exception of the following orders and regulations, namely:—

1. Pulp and Paper Control.
2. Sugar Control
3. Coal Control.
4. Trading with the Enemy.
5. Silver Coinage.
6. Exportation of Gold.
7. Internment Operations.
8. War Purchasing Commission.
9. Wool Control.

(*See* CANADA GAZETTE, Vol. liii., p. 1928).

The orders-in-Council which are still retained under this order continue in force only *until the last day of the next session of Parliament.* (*See* CANADA GAZETTE, Vol. liii., p. 1928).

Warrants—

1. *Search Warrants.*—The common law right of search only applied to a search for stolen goods. The power of search has now been extended by statute. The Criminal Code has various provisions in regard to the operation of search warrants. The most important are those contained in section 629 *et seq.;* the matters dealt with are:—(1) Detention of things seized (sec. 631); (*b*), restoration of same where no person is committed (sec. 631 (2)); (*c*) destruction of counterfeit coin found under search warrant (sec. 632); (*d*) seizure of explosives (sec. 633); (*e*) offensive weapons (sec. 634); (*f*) suspected goods (sec. 635); (*g*) public stores (sec. 636); (*h*) mined gold and silver (sec. 637); (*i*) timber unlawfully detained (sec. 638); (*j*) intoxicating liquor on ships (sec. 639); (*k*) women in house of ill-fame (sec. 640); (*l*) gaming houses (sec. 641); (*m*) opium joints (sec. 642A); (*n*) vagrants in disorderly houses (sec. 643). In the execution of a search warrant the constable should bear in mind the provisions of section 630 of the Criminal Code, which provides that every search warrant shall be executed by day, unless the constable shall have it specially stipulated in the warrant that it shall be made at night. The constable must have the warrant with him and produce it when required, and also before breaking in, demand that the door be opened to admit of the search being made. He is bound to explain that he is an officer and that he has a warrant for a search, but he is not bound to give any preliminary explanation of the purpose of the search. In order to obtain a search warrant an information must be laid, and in this information there must appear in unmistakable terms the reasons for the belief and grounds for the suspicion upon which the search warrant is asked for. The warrant when issued should recite the fact of the information having been laid and when executed should be endorsed with:—(1) Time, and (2), place of execution, and also (3), the goods or persons found in making the search, as the case may be. These should immediately be taken to the magistrate who issued the search warrant and directions obtained as to what is to be done with them. In the case of goods which are stolen, the person charged should also be brought before the magistrate along with the goods found. There are certain statutory provisions which authorize a search without a warrant, but in all cases a search warrant in proper form should be obtained, if time permits.

2. *Committal Warrants.*—These are either:—(*a*) for trial after preliminary (form 22, sec. 690); (*b*) in default of sure-

ties to keep the peace (form 50, sec. 748); (*c*) for want of distress in summary matters (form 44, sec. 741); (*d*) upon conviction where there is a penalty in first instance (form 41, sec. 741); (*e*) for refusing to be sworn when called as a witness (form 16, sec. 678); (*f*) for contempt of court (sec. 608); (*g*) for want of distress on non-payment of costs on appeal (form 54, sec. 759); (*h*) after arrest on a bench warrant (form 67, sec. 881); (*i*) on remand awaiting preliminary hearing (form 17, sec. 679); (*j*) for refusing to enter into recognizance, in the case of a witness (form 26, sec. 694); (*k*) for use in a case of extradition (under the *Extradition Act*); and (*l*) as insane for transfer to the asylum, or pending order of Attorney-General (*Insanity Act*).

3. *Distress Warrants.*—A constable is the proper officer to execute a distress warrant in a case. The provisions of the Criminal Code in respect to distress are contained in section 741, and the forms to be used are those in forms 39, 40 and 43. In every distress there is:—(1) issue of warrant; (2) levy; (3) appraisement; (4) return, and (5) sale. A distress warrant should be executed in the day time, and on a week day. It cannot be executed on a Sunday. Under tender of amount called for in warrant and payment of costs to day, the distress can under section 747, be discontinued.

Weights and Measures—

1. *Inspection.*—The inspection of weights and measures is a matter which is handled by the Dominion Department of Inland Revenue. Inspectors are appointed to see that the provisions of the *Weights and Measures Act,* 1906, R. S. C., ch. 52, are carried out. This Act also contains provisions with respect to standards of weights and measures, and standards of measurement to be used in Canada (see *Weights and Measures Act,* 1906, R. S. C. ch. 52).

2. *Offences and Penalties.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Wilful Damage—

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Wills—

1. *Theft.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

2. *Destruction.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Wireless—

1. *Regulation and Control.*—These matters are regulated by the *Radiotelegraph Act,* 1919, ch. 43. During the war, however, several Orders-in-Council were passed on the subject.

Women and Girls—

1. *Crimes and Offences.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

Wood Alcohol—

1. *Sale.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES.

Wrecks—

1. *Offences and Penalties.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

2. *Regulation and Control.*—*See* SHIPPING.

3. *Theft.*—*See* TABLE OF DOMINION CRIMES AND OFFENCES, *infra.*

CHAPTER II.

Criminal Investigations.

Arson—

1. *Investigation.*—It will generally be found that the incendiary bore some malice or ill will to the owner, but it sometimes occurs that the property is set on fire by persons bearing no ill-will to the owner, but who are actuated by wantonness and mischief. Occasionally cases occur in which persons in needy circumstances set fire to their own property in order to gain the amount of money for which it is insured, and which amount is usually beyond the value of the property insured. These facts should be investigated.

2. *Facts to be Proved.*—There are three essentials to prove in a crime of arson, namely—

(*a*) That the fire was not an accident;

(*b*) That the accused, wilfully, set fire to the premises; and

(*c*) That the thing burnt is one of the objects referred to in section 511 of the Code.

Where the question is whether the burning was accidental or wilful, evidence is admissible to show that on another occasion the defendant was in such a situation as to render it probable that he was engaged in committing the like offence against the same property; or that he had previously occupied the houses that had been on fire and in respect of which he made insurance claims and got paid. Mere indifference or gratification on the part of the accused, as to the fire, is not evidence.

Bodily Harm—

1. *Investigation.*—There are three very essential facts to be ascertained in such cases, namely—

(*a*) Nature of wound;

(*b*) Motive for doing the act; and

(*c*) Weapon with which the act was done.

2. *Facts to be Proved.*—There is a very essential difference between certain offences in which wounding plays a part. The expression "bodily harm" is found in several sections of the Criminal Code, and it is often coupled with words which add to its meaning, and change the nature of the offence. In section

295 (assaults) and 292 (wife-beating), this will be found. The expression "actual" is to be distinguished from "grievous," which is found in section 274, and section 773 (*c*) of the Code. This distinction is very important. Therefore when investigating any such cases the facts should be carefully collected with these distinctions in view, and the statements of the witnesses directed as to these particular points. It would possibly be sufficient proof under section 273 if it were established that the defendant wounded, or caused grievously bodily harm to or shot at any person with intent to maim, disfigure, or disable any person. Proof should, therefore, be obtained as to:

(*a*) Wounding;
(*b*) Intent; and
(*c*) Negativing self defence.

It should be noted that under section 295 there must, to prove a case under that section, be an assault which when committed results in actual bodily harm.

Carnal knowledge—

1. *Investigation.*—When investigating facts relating to the commission of offences of this nature, particular attention should be paid to the section of the Code dealing therewith. In all cases the facts should be collected with the utmost detail, as it is only evidence of a corroborative nature which finally decides the issue. Particular attention as to the age of the person assaulted should be paid and the correct date ascertained from records, and persons actually present at birth. The age to be ascertained is the age on the day upon which the offence was committed. The person of the child should, with the consent of her parents, be examined by a medical doctor, as soon as practically possible after the commission of the offence. The family doctor would be sufficient for this purpose. The accused, if known, should also be examined by a medical doctor, immediately after his arrest. It is necessary in many cases, as set out in section 1002 of the Criminal Code, that corroboration of evidence of a witness be proved by evidence implicating the accused, in some material particular. Where such corroboration is required by law, no conviction can be obtained without it. This should not be lost sight of, and although it is difficult to get evidence of eye-witnesses, yet concurrent testimony of time, place and circumstances will often supply the necessary corroborative evidence. The most important

of all the facts to be collected in such a case is that fact which corroborates the principal witness in some material particular implicating the accused.

2. *Facts to be Proved.*—The essential elements in the proof of any of the offences under sections 301 (carnal knowledge under 14), section 211 (seduction between 14 and 16), and section 212 (seduction under promise of marriage), are:

(*a*) Age;
(*b*) Penetration;
(*c*) Corroboration;
(*d*) Previous chastity; and
(*e*) Prosecution within time limit.

Proof of age can, under section 984, be proved by—(1) an entry or record of officials made before offence was committed; or (2) inference from girl's appearance. Actual evidence on oath by parents, present at birth, and evidence afforded by the production of family records will, to a certain extent, afford some evidence, but are not always reliable. In any case the best evidence should be obtained. Previous chastity refers to the actual moral status of the woman. Corroboration is that required by section 1002 in cases under section 211 to 220 and may consist of the accused's admission, made after the girl attained the age of sixteen, that he had connection with her. The corroboration need not be of every fact in issue. It is sufficient if it confirms the belief that the prosecutrix is speaking the truth. On a charge of criminal seduction, under promise of marriage, corroboration is essential, but the corroboration need not be as to every fact, and it is sufficient if it confirms the belief that the prosecutrix is speaking the truth. In all cases the corroborative evidence must be evidence implicating the accused. Corroborative evidence is not necessary to secure a committal for trial—it is only necessary in the event of obtaining a conviction. Penetration or carnal knowledge must be proved either by direct or circumstantial evidence, and in the case of a prosecution under section 301 the evidence is the same as in a case of rape, except that the consent or non-consent of the girl is immaterial.

3. *Burden of Proof.*—Great care should be taken in proving the cases under the various sections as they differ widely in their application. It should be noted that the two sections 301 and 302 protect against defilement and attempted defilement (with or without their consent), all girls under fourteen, whether of previously chaste character or not. Also, that section 211 pro-

tects against defilement (with or without consent) all girls between the ages of 14 and 16, where unchastity is not established by the accused, as provided in section 210. It must be borne in mind that the law presumes every one to be innocent until proven guilty and that, although the law presumes a woman chaste and of good repute, the burden of the prosecution is to establish and prove in the first instance, good repute. It will be seen by section 210 the burden of proof of previous unchastity of the girl or woman, under sections 211, 212 and 213, is upon the accused. In the case of seduction under promise of marriage additional evidence is required beyond proof of actual intercourse, that it was induced by a promise of marriage. There must be a distinct actual promise of marriage before the seduction, and not a mere suggestion. It must be noted also in such cases that where a seduction under promise of marriage has taken place, and the illicit intercourse has continued upon renewals of promise more than a year from commencement of prosecution for the original seduction, then the action is barred under section 1140 (*c*), and a conviction is not warranted as for a subsequent seduction within the year, as the girl is not then of previously chaste character.

4. *Limitation of Actions.*—Limitations of actions under section 1140 is computed from the commission of the offence, and in the case of offences under sections 211, 212, 213, 215, 216, and 217, it is one year from the commission of the offence.

Concealment of Birth—

1. *Investigation.*—In investigating cases of concealment of birth, the collecting of the facts requires the most delicate handling. It is absolutely necessary to establish the fact that a child was born, dead or alive, and in addition, that she or any other person endeavored to conceal the birth by secret disposal or burial of the dead body. To establish the fact of the birth of a child alive or dead, the constable should obtain the consent of the woman to the examination of her person by a doctor. It would be a criminal assault to have her examined without her consent, and under no circumstances whatever must an examination without consent be attempted. The state of the bedding may furnish evidence of the woman having given birth to a child. During her illness the woman should not be charged until a doctor certifies that it may be done with perfect safety. If she has no friends to receive her she should be taken care of in some

hospital which receives aid from the Government, and arrangements made immediately for defraying the expense of keeping her there. When the woman is well enough to be removed from the hospital, the constable should be on hand to make arrangements for her removal. In the case of concealment of birth a dead body must be found in order to convict, and also the fact must be established that the body found is that of the child of which the woman was alleged to have been delivered. The fact must also be established of the disposal or burial of the body by the woman, or by some one else by her personal knowledge, consent or direction.

It must be remembered that the facts may not establish any offence whatever, and as already intimated, every case must be very delicately handled. Much cruelty may be inflicted upon an unfortunate woman who may have secretly given birth to a child, but who may nevertheless have committed no offence against the law. A constable should, therefore, act with great caution so as not to cruelly outrage the feelings of a person, innocent of a criminal offence, who may, however, in other respects be unfortunate, and therefore to be pitied. It were better to find the party guilty of putting the woman in such an unfortunate position, and to proceed against him if he should be found to have committed a criminal offence.

2. *Facts to be Proved.*—In a case of child murder, all the elements necessary in any other case of murder are required to be proved. In the case of a charge of concealment of birth the following are essential:

(*a*) Birth, alive or dead;
(*b*) Disposition of body;
(*c*) Identification; and
(*d*) Intent.

The mere denial of the birth is not sufficient to convict. There must be proof of some act of disposition of the body after the child's death. The dead body must be found and identified as that of the child of which the woman was delivered.

Fraud and False Pretences—

1. *Investigation.*—In investigating cases of fraud and false pretences, the distinction between criminal and non-criminal acts must be continually borne in mind. This is essentially so in regard to charges of false pretences arising out of the issue of worthless cheques. It is not every issue of a worthless cheque

which amounts to an offence of false pretences. It is a common practice to obtain from merchants, agriculturists and others, goods, and in such cases there will usually be found a gang of persons who by giving each other fictitious references obtain consignments of goods. These they sell and fail to pay for them. This may in some instances amount to fraud or false pretences. The collecting of the facts is made more difficult by the distance between the operating parties, and the scattering of witnesses, and other parties who have knowledge of the facts. The first step is to trace the goods into the possession of the parties alleged to have committed an offence, and this can be done through the express companies or other carriers. The next step is to ascertain what representation was made to obtain the goods, paying particular attention to the actual words used. If a cheque has been issued in connection with the transaction, this should be recovered without delay and carefully examined to see how it is drawn, signed, and stamped by the bank, and the constable should not be content merely with the bank's statement on the back of the cheque, but where possible he should see the manager or person who handled the cheque in the bank, and get all information, first hand, from him surrounding the presentation of the cheque and what it was for. The transaction should be looked at from every possible angle, both civil and criminal, and great caution should be exercised before any proceedings are taken criminally. Where there is an adequate civil remedy it is very common for the parties to get together and settle the matter, thus leaving the constable to his fate without any consideration. All the constable's energy is spent for nothing should he prosecute the case and find that the actual proof is lacking at the trial. It is far better in such cases for the aggrieved party to initiate the proceedings.

There are other species of fraud which are criminal in their nature. Confidence games are common devices practised by swindlers amongst unsuspecting foreigners. They are usually carried out with the aid of one or more confederates who persuade their dupe to intrust them with their money or valuables, allowing them to be taken out of their presence for a few minutes as proof of confidence. Whilst the victim is waiting for their return the swindlers decamp with their plunder. These parties could be charged with conspiracy to defraud. Other frauds are also perpetrated on the unsuspecting foreigner. A man picks up a valuable pin or ring and endeavours to induce some passer-by

to give him a sum of money for it instead, as he says, of any reward that may be offered for it. The pin or ring is, of course, valueless and the trick is cheating. Another fraud consists of falsely obtaining money by trick, either by pretending money put down was greater than is actually the case, or that sufficient change has not been given. This is plain theft, or possible false pretences. There are also mock auctions. These consist of the sale of worthless articles, at prices far above their value, by pretending competition between fictitious bidders. Under certain circumstances the confederates may be indicted for conspiracy to defraud. It is in most cases more easy to see what is happening, than to prove it. Where the evidence cannot be secured, the only course for the constable is to station himself at the door and warn all possible dupes of the class of men they are dealing with. In case of prosecution the articles should be obtained and held as an exhibit. The names of witnesses should be obtained, along with their addresses. It is very often the fairs which attract this class of individual and they usually consort with gamblers and bootleggers. By keeping these classes under close observation during fair time a good many of so-called frauds and false pretence offences can be eliminated. A description of the parties should be sent ahead to all points where a fair is to be held so that the constable there can be on the lookout for them.

2. *Facts to be Proved.*—The essentials to be proved in a case of false pretences are:

(*a*) A false statement which represents as existing something which does not exist or which represents as having happened or having existed something which has not happened, or has not existed;

(*b*) Knowledge, on the part of the offender, at the time of making the false statement, or representation, that it was false;

(*c*) Actual parting with the goods or money in question, in consequence and through the false representation; and

(*d*) Intent to defraud in making the false statement or representation.

The commonest of all cases of false pretences arise out of the issue of cheques which are not cashable at their face value. A man who makes and gives a cheque for the amount of goods purchased in a ready money transaction makes a representation that the cheque is good and valid for the amount inserted in it. Such a person could be convicted of false pretences where the following

circumstances exist, namely: (1) only a colourable account is held by the man at the bank on which the cheque is drawn, (2) no available assets to meet the cheque, (3) no authority to overdraw, (4) knowledge on the part of the issuer that it will be dishonoured on presentation, and (5) intent to defraud. In all cases of "no account" or "n.s.f." cheques, the circumstances of each should be investigated along these lines before any information is laid, in order that all, not merely one, of these requisites are present.

Murder—

1. *Investigation.*—Investigation of murder cases is, perhaps, the most important of all. The first duty on receipt of information of the commission of a murder is to get to the spot as quickly as possible. The coroner should be notified before leaving and information also forwarded to headquarters. On arrival at the scene of the crime a very careful search and inquiry into every detail should be made. Close examination of the spot (whether within or without of doors) should be made, and a note in writing taken of the exact state in which everything is found. Where the crime is committed in a house, immediate possession should be taken by the police and all strangers and unofficial persons carefully excluded from access to it, or to any of its contents, without the sanction of a magistrate or officer in charge. If the constable is on the move some one should be stationed with instructions to see that this is carried out.

2. *Taking Possession of the Body.*—The constable should take possession of the body and should on no account move it, or anything surrounding it, or allow any other person to do so until the coroner has made his investigation. Notes in writing of the position of the body, the condition of the clothing, the position of the wound, and if ascertainable, how and with what instrument the wound was caused. The teeth and hands of the deceased should be carefully examined to see if any skin or hair of the assailant has been grasped. The pockets and clothes of the deceased should be carefully searched for papers, money, etc., which may furnish some clue to his identity (if unknown), or the murderer. A note should be taken of everything discovered. The body should, if possible, be photographed as found, and any natural or other marks of identification, looked for. The description of the deceased person should be carefully, and with as great exactness as possible, taken for future reference.

3. *Search for Weapons.*—A very careful search for the weapon with which the crime was committed, also for portions of clothing, and for bullets, shot, gun-wadding, foot-prints, blood stains, finger prints, or anything which would assist in tracing guilt, should be made. Any articles discovered should be taken possession of and preserved. If a shoe print be left, care should be taken that it be not defaced—it should be covered up, and a watch placed to prevent it being disturbed until a cast, or shape, or measurements, be taken on paper. Should the boot or shoe be obtained from any party suspected, it should not be placed in the print left but by the side thereof, then a measure should be taken, very carefully, and a comparison made.

4. *Suspected Poisoning Cases.*—If the case be one of suspected poisoning, search should be made for bottles, boxes, powders, etc., containing medicines and other drugs. These should be seized, and evacuations by vomit, etc., of the deceased should be taken possession of. Such things should be put into clean vessels and placed under lock and key, and in charge of constable until they can be removed. The whole house and all the effects of the inmates should be carefully searched for portions of poison, drug labels, etc.

5. *Motive.*—It is essential that the motive for the crime be found out, and in preparing evidence for prosecution, the persons who can prove the motive should be brought forward and examined as witnesses. It should be ascertained whether the deceased was obnoxious to anyone, or if any person had any ill-feeling toward him, or a strong inducement to commit the crime, or an interest in his death, or whether the motive was one of robbery or revenge, or whether the plans for the murder were laid in such manner as to show that an intimate knowledge of the habits of the deceased was possessed by the murderer.

6. *Statement of Witnesses.*—After a thorough investigation of the body and the place where the body lays, it should be handed over to the coroner or dealt with according to his instructions. This will relieve the constable for the time being and give him an opportunity to interview the witnesses and collect evidence in the case. In no case should the constable leave the place without written statements, under oath, if possible, of witnesses, including relatives of the deceased. The advantage of this is obvious. It prevents interference with witnesses during the time which elapses between the murder and the trial of the murderer, and also prevents to a certain extent the possibility of persons changing

the facts, in order to favour either side of the case. It also gives a more accurate and descriptive story as it is told on the spot where the crime occurred, thus including details of position, time, and place which might otherwise be omitted.

7. *Ante-mortem Statements.*—A dying declaration is admissible in evidence either for the prosecution, or for the defence, in a homicide case, and it is, therefore, necessary that great care should be exercised in the taking of them. No particular form is necessary, and it need not necessarily be in writing, but it should, invariably, be taken down in writing if this is at all possible. If it is a written declaration it may be as follows:

"Canada,
Province of.....
} "In the matter of.....

"I, ...of.....
(full names) (P.O. address).

entertaining no hope of recovery from my present illness, and conscious that my death is imminent, I do solemnly and sincerely declare that:

.....

.....

(here state very words used)

.....

"Taken before me at.....
this .....day of.....
19 .....
} .....
(Signature of declarant).

.....
A Justice of the Peace
in and for the Province
of .....

The principal requisites to render such a declaration admissible in evidence against the accused are: 1, Death of declarant; 2, cause of death of declarant must be the subject of inquiry; 3, circumstances of death must be subject of declaration; 4, the declaration must have been made at a time when the declarant entertained no hope of recovery and was conscious that his death was imminent. Notice should, if reasonably possible, though this is not absolutely necessary, be given to the accused. Where the accused is brought into the presence of the witness making the declaration an opportunity to cross-examine the declarant should be allowed. Where the circumstances of the case do not admit of a Justice of the Peace, medical doctor, and accused being present when the declaration is being made, then and in that case the declaration should be made in the presence of disinterested and reliable persons and afterwards, if possible, reduced into writing, repeated in the presence of the declarant, accused, and justice of the peace and declared to by the declarant before the

Justice. It is well to have a medical man present, his evidence being of value as to the condition of the accused when the declaration was made. In cases of extreme urgency where the above formalities cannot in any way be complied with, an oral declaration in the presence of one disinterested witness should be taken.

8. *Confessions.*—A free and voluntary confession of guilt made by a prisoner, either in course of conversation with private individuals, or under examination before a magistrate, is admissible in evidence as perfectly legal and sufficient. A confession in order to be admissible must not be extracted by any sort of threats or violence, nor be obtained by any direct or implied promise, however slight, nor by the exertion of any improper influence, but it must be entirely free and voluntary: and the onus of proof is upon the prosecution to establish that it is entirely free and voluntary. There is a distinction between a confession obtained before, and a confession made after arrest. The arrest itself constitutes an inducement or pressure upon the accused to speak, and in order to satisfy the onus resting upon the Crown of proving that a confession made in answer to questions put by a constable to the prisoner was voluntary, it must be shown that the accused was warned that what he said might be used against him. It is well in such cases, after arrest, to tell the prisoner the nature of the charge against him, and inform him that he need not say anything to incriminate himself, but that whatever he may say will be taken down in writing and used as evidence against him.

9. *Arrest.*—Upon arrest the person of the accused should be at once searched. His clothes should be carefully examined and all weapons, documents, money connected with crime, taken possession of and labelled. In the case of money not connected with crime, should be taken possession of and held to the order of the prisoner. The accused's house, lodgings, trunks, and any other of his effects should also be searched. The body of the accused should also be closely examined to see if he has been wounded or marked by the deceased in any struggle between them. The hat, clothes and boots of the accused should be at once taken possession of and replaced by others in order that they may be examined for blood marks, etc. The clothes, etc., should be folded up in paper and sealed for examination. Upon a search of the accused's person having been completed he should be cautioned as to any statements he might make. Upon these things being all com-

pleted the constable should set about to find the nearest, or some other available, Justice of the Peace, and bring the accused before him for remand, in custody. The usual information and complaint should be made out, and laid, and the necessary papers issued to make the arrest regular and complete, and for the confinement of the accused pending the hearing of the case, on preliminary. The constable should attend the inquest, and also the preliminary, and keep notes of what happens, and report the facts of the case at the first available opportunity, continuing his own investigations into the crime and any other investigations ordered by those in charge of the case. This will continue until trial of the accused, after which event the constable will be relieved from all further duties in connection with the case.

10. *Facts to be Proved.*—Murder is culpable homicide, by an act done with malice aforethought. Malice aforethought is a common name for all the following states of mind: (*a*) An intent —preceding the act—to kill or to do serious bodily injury, to the person killed, or to any other person; (*b*) knowledge that the act done is likely to produce such consequences, whether coupled with an intention to produce them or not; (*c*) an intent to commit any felony; (*d*) an intent to resist an officer of justice in the execution of his duty. The border line between murder and manslaughter is uncertain and very much dependent upon and liable to be changed by circumstances. The plain test is, murder—killing meaning to kill, and manslaughter—killing not meaning to kill. In murder there are three essentials to prove:

(1) Death within a year and a day;
(2) Killing, by the accused, with intent to kill; and
(3) Absence of circumstances supporting a plea of self-defence.

Homicide in self-defence as such, occurs where a man being violently attacked is obliged to kill his assailant in order to save his own life. The right of self-defence proceeds from, and is limited by, necessity. It begins where necessity begins and ends where necessity ends, and therefore the defending party, in order to be excused, must exercise only such power, and apply only such instruments, as will simply prove effectual, and nothing more. In murder cases the evidence is very often circumstantial, and when this is so the evidence should be gathered with scrupulous carefulness, great caution, and particular attention to detail should be manifest throughout the gathering of the evidence in the case.

Perjury—

1. *Investigation.*—The essential part of the investigation in a case of alleged perjury is that dealing with: (*a*) the words of the statement, and (*b*) the administration of the oath. The exact words uttered should be carefully collected. The manner of the administration of the oath should be carefully scrutinized. The essential part of the oath is the calling of God to witness the truth of what the witness testifies. This must be verified by statements of witnesses present. The false statement to constitute perjury must be sworn or affirmed to in some judicial proceeding, *e.g.*, a civil or criminal case, or in affidavits of justification by sureties, on bail. The inquiry into the matter should be continued further to ascertain the actual words used, and the intention with which the perjury was committed. Intent to mislead the tribunal is an essential element, and the motive must, therefore, be shown.

2. *Facts to be Proved.*—The following must be proved:

1. Intent to mislead;
2. Falsity of words used;
3. Knowledge of falsity by accused;
4. Record of judicial proceeding;
5. Corroboration.

The material particular in which corroboration is necessary is the falsity of the statement alleged as perjury.

Rape—

1. *Investigation.*—The following facts should be ascertained:

1. Credibility, and good fame of complainant;
2. Marks of violence on person;
3. Time of day and place of offence;
4. Evidence of struggle, or out-cry;
5. Distances to houses or individuals; and
6. Clothing and condition.

The arrest of the person charged should immediately follow the investigation, and his person searched, and clothing examined, and detained. Also without delay the woman should, with the consent of her parents, if under age, or herself, if over age, be examined. Any stained clothing should be kept as an exhibit.

2. *Facts to be Proved.*—The essentials to prove are:

1. Penetration;
2. Forcibleness;
3. Corroboration.

There must be some resistance up to a point of being overpowered by actual force, or of inability from loss of strength longer to resist, or from the number of persons attacking, resistance must be dangerous or absolutely useless, or there must be dread or fear of death. In ordinary cases of rape evidence of complaints made soon after the occurrence of the outrage, is admissible to show, credit, and possibly accuracy of recollection, but are not much greater in value than this, as evidence. The credibility of the story of the witness must in all cases be thoroughly sifted. It is a matter which the jury appreciate according to the circumstances. If she be of good reputation, and if she made known the offence and seek out the offender without delay, or if the accused take flight, all such circumstances as these will help the probability of the evidence. If, on the other hand, her reputation is bad and her evidence be uncorroborated by the testimony of other witnesses; if the place where the alleged outrage took place is one where she might have made herself heard and she made no outcry—these will all have a tendency to throw doubt on her evidence, especially if it is flatly contradicted by the accused.

Theft—

1. *Investigation.*—The first inquiry to be instituted into the facts is that with regard to the thing stolen. An accurate description of the stolen articles should be taken and if not found immediately, should be circulated, copies being sent to the police in neighbouring towns for their information. A search warrant should be obtained and junk shops, local small second-hand dealers and pawn-brokers' shops should be visited, if there is any likelihood of their having possession of them. Careful search of adjoining premises, outhouses, sheds and farms for traces of the thieves or the stolen property should be made. The ground under the windows and around the house should be closely examined, and if footmarks are found they should be guarded till impressions are taken of them. If there is any cause to suspect that the theft has been effected by any person inside a house the movements of the whole household should be enquired into. It must be remembered that stolen articles, especially jewelry or money, may be secreted between mattresses, in writing cases, work-boxes, baskets, between leaves of books, the folds of clothes and linen, underneath table covers, in boots and shoes, and even in the mouth. The constable should always have a search warrant when searching for stolen property, and when searching any

premises should ask permission of the owner or occupant, first, and if refused, then act on the search warrant without permission.

Theft of cattle needs special mention. As in all other cases of theft, a description of the cattle stolen should be obtained. This should be absolutely accurate as to size, age, colour, brands, sex, and special marks. Then inquiry should be instituted as to when and where the cattle were last seen, paying particular attention to the hour when and the place where, and the description of the person in whose possession. Tracks should be followed and diagrams made and footprints closely watched. Shoe prints of horses should have special attention. Inquiry at houses, farms, or stopping places along the road or in the neighbourhood should be made for persons and animals who or which answer the description. Inquiries should also be made of the residents of such places as to whether they have seen or heard anything passing in the night. Hide dealers and yards should be visited, and search made for all hides sold in the locality of the theft. Should the cattle be found without any person in charge of them they should on no account be immediately removed, but should be watched, night and day, to see who comes for them, thus catching the thief in actual possession. Where the animal is likely to have been slaughtered search should also have been made on the farm of any suspected person for newly dug earth, and for blood stains on any axes or other sharp instruments in shed and outhouses. The barns should also be examined to see if there are any carcasses hanging up, and if found an explanation demanded.

2. *Facts to be Proved.*—The essentials to prove in a case of theft are:

1. Intent.
2. Existence of article capable of being stolen;
3. No colour of right;
4. Ownership in individual or corporation; and
5. Taking and carrying away, from owner, without consent.

The essence of theft lies in the wrongful taking, out of the possession of the true owner, without his consent.

Threats (Letters)—

1. *Investigation.*—First ascertain who is the most likely person to send such letters; how the letters were sent, whether through the mail, or delivered or posted, or otherwise. It very

often happens that one, or even two persons, write the letter, and possibly a third posts the same through the mail. This is very important to bear in mind, as it is the sending or publication of the document which constitutes the offence. To obtain proof of the handwriting the constable should go to the suspected person and get him to write a similar letter, or words from the letter, and then make a comparison. In regard to comparison of disputed writing with genuine, sec. 8 of the *Canada Evidence Act* regarding the admissibility of such should not be lost sight of in this connection. Letters written by a suspected person to others should also be collected and comparison made with these also. It may happen that the letter or notice has been stuck up or written on a door or tree, so that passers-by may see it. This is the most difficult case of all to prove. Persons seen near the spot should be interrogated and required to give an account of their movements. Time and place are essential matters to be proved.

In the case of obscene publications these should be confiscated and, if not held as evidence, destroyed. If the obscene publications are printed in pamphlet form these should be collected and the name of the printer, and typesetter, located.

2. *Facts to be Proved.*—In the case of threatening letters it should be noted that there is something beyond the mere threat to be proved. Under section 265, it is threats to kill or murder. Under section 451, it is demanding property with menaces. Under 452, it is demanding property with intent to steal. Under section 453, it is threats of accusation of having committed a capital or infamous crime. It will be seen, therefore, that in each case there must be proof of the nature of the threat and beyond that, in some instances, writing. In the case of obscene publications there are two perfectly distinct classes of crime: (1) posting (sec. 209), and (2) publication (207). It is very doubtful whether a letter which is enclosed in an envelope, the outside of which bears no obscene publication, amounts to a crime. This will be seen from a careful reading of section 209 (*b*). Shortly, the essentials may be said to be:

1. Writing;
2. Publication;
3. Threatening or obscene as case may be; and
4. Special kind of threat according to the section under which it is an offence, *e.g.*, to kill, to burn, etc.

Obscene language is such indecency as tends to the violation of law and to the corruption of morals.

CHAPTER III.

Criminal Prosecutions.

1. *The Case.*—Although the perpetrator of a crime may be known, it is nevertheless a very difficult matter to bring home the crime to him, beyond a reasonable doubt, such as the law requires. The law requires evidence, the investigator is often content merely with facts. This is where most criminal investigators fall down. They do not distinguish facts from evidence. Evidence is the proof, oral or documentary, of events that have happened. In order to prove these events and happenings there are strict rules of evidence. It would be well for all criminal investigators to be familiar with at least the most important of them, especially those contained in the *Canada Evidence Act,* ch. 145, R. S. C. Assuming that the investigator has been able to obtain the legal proof of the commission of the crime, this does not mean that he is sure to obtain a conviction upon that alone. The weight of the evidence may depend on the demeanour of his witnesses, and in preparing the case for the Court the witnesses may have to be taken in hand. Simplicity, minuteness, and ease are the natural accompaniments of truth and the language of the witnesses should not be laboured, cautious and indistinct. Consequently the investigator will in many instances have to coach a witness how to answer questions and also how to bear himself in Court. He should not allow the witness to appear in Court and have as a result an over-zealous witness on behalf of his party. He should be placed on his guard against: exaggeration of circumstances, answering without waiting, forgetting facts, replying evasively, flippantly or indifferently. An ideal witness is one whose testimony is given with: calmness, simplicity, naturalness, and with great attention to detail. It cannot be too strongly impressed upon all persons investigating crime that even the greatest delinquents cannot be brought to justice by means which are not justifiable. Intelligence, judgment, tact and untiring patience, should be sufficient to secure all that is necessary without unjustifiable practices. Every criminal investigator should have a record for strictest integrity, and if this is obtained it will be far more valuable than all the convictions he can over obtain in a court of law. At

whatever stage in these proceedings a constable takes hold of the case he should bear in mind his primary duty to place before the Court all the facts in the case, both for and against the accused.

2. *Facts to be Collected.*—The constable should begin by marshalling the facts, that is, getting them together in correct order, according to dates, importance, and general requirements. All statements of witnesses should be gathered together, along with all crime reports, and memoranda as to the case, as well as copies, or originals, if possible, of documentary exhibits. The mass of detail obtained from these should be sifted and then tabulated in chronological order, with the day and hour of the happening of each event, no matter how small or apparently unimportant it may seem. If the period of time covered by the various transactions does not exceed in the aggregate many days, each day may be dealt with on a separate page as follows:

Tabulated Statement.

Year	Day	Hour	Facts	Witness Exhibits	Code Section
1901	8th Jan.	....	.LS. born at M.	Bible & C.M.	
1913	8th Jan.	....	L.S. 12th birthday.		
1913	Spring	....	L.S. first meets accused.	Mrs. E.	
1913	Spring	....	First attempt to commit offence: facts.....		
1914	8th Jan.	....	L.S. 13th birthday.		
1914	.. June	....	L.S. left at home. Mrs. E., away.		
1914	.. Nov.	....	Indecent assault: facts	J.G.	292
1915	.. Jan.	....	Particulars of offence:		
1915	.. Mar.	....	Complaint to:..... with reference to.....	J. H.	298 1002
1915	1-15 Mar.	Sunday	Further happenings	J. G.	
1915	Sept.	....	Drugs purchased: facts	Store	305
1915	15th Sept.	....	Medical examination	Dr. F.	
1016	4th June	....	Information laid for.....		292 305 301

3. *Chain of Evidence.*—The final result obtained from the tabulated statement will give step by step what happened in the case and will also be invaluable in showing the missing links in the chain of evidence. In a case of theft, for example, it might clearly show in detail, how, when, and where the article was

stolen, and may also show that it was found in the possession of the accused, but it might not show conclusively that it was the hand of the accused which did the actual taking and carrying away, and after all that is the very essence of the crime. This final result should be very carefully checked, read over slowly, and each step in the crime closely noted, and, if possible, committed to memory.

4. *Defining the Offence.*—The next step is to look up the Criminal Code of Canada, and obtain a definition of an offence, which as nearly as possible resembles the circumstances contained in the tabulated statement. It is just at this point that a false step may be made. The endeavour should never be to make up a crime, but rather to find out if the facts, as found, or to be found, do actually constitute a crime. There are many things done which, morally, are not right, but they are not crimes, in the sense of being prohibited on pain of punishment. In every case, therefore, the facts should be analysed with that point firmly fixed in the mind. It is not only useless, but it is wrong, to try to establish, or as it were frame up, facts against any particular individual in an endeavour to convict him of a crime which he may never have committed. The constable must not confuse this with his duty to obtain all the true facts, in respect of which details are lacking or not then known. It is not only right, but it is the duty of every constable, to ascertain all these facts, and particularly to pay great attention to the facts which will establish the guilt or innocence of the accused, because negligence in this respect may result in the conviction, on circumstantial evidence, of a person who may be innocent, but against whom there is a weight of such circumstantial evidence that a reasonable inference can be made that he could have, if he wished, committed the crime. Having found the definition of the crime disclosed by the facts, the constable should then look to see that the information laid in the case has been rightly drawn to cover the crime disclosed. It will often happen that there is a variance between the information and the evidence disclosed. Although such a variance is not always fatal to the case, yet it may be so far removed from the crime committed that evidence which would otherwise be admissible, becomes inadmissible. It is well, therefore, to see that the two coincide and, if they do not coincide, then draft a proper information and have it ready to amend the one already drawn, when the case comes into Court.

5. *Proof.*—The constable will now be in a position to know what crime there is to be proved, and his next step will be

to set about finding out how he is going to prove it beyond a reasonable doubt, to the satisfaction of the Court. Taking the definition of the crime he has to prove, the constable should pick out the essential elements in the definition. In the case of seduction under promise of marriage for example. In section 212 of the Code it says: "Every one above the age of twenty-one years is guilty of an indictable offence and liable to two years' imprisonment who, under promise of marriage, seduces and has illicit connection with any unmarried female, of previous chaste character and under twenty-one years of age." It is obvious that a constable taking a preliminary enquiry will have to establish: (1) accused is over 21 years of age, (2) that he promised marriage, (3) that he seduced her under that promise, (4) that he had also illicit connection, (5) that the female was unmarried at the time, (6) that the woman was of previously chaste character, and that (7) she was under twenty-one years of age. Not only must he prove these, but he must prove them legally, that is according to the laws of evidence. That is to say, laws with regard to the admissibility of evidence, corroboration of evidence, and generally, will all have to be taken into account before he has dispersed all reasonable doubts as to the guilt of the accused.

6. *Attending to Witnesses.*—In a great many instances the witnesses in the case will have come long distances, and not being in familiar surroundings, are hardly in a fit condition to directly give their evidence. At least the principal witness (and any other witnesses for the prosecution if available) should be interviewed and their personal wants attended to. Statements made on previous occasions should be gone over and the witness allowed to refresh his memory as to what he has already said on the subject, and to familiarize himself again with all the details. The manner in which he should give his evidence and the procedure of calling him to the box and the manner of taking an oath, are all matters with which he should be familiar. In the case of a child of tender years who is to give evidence, it is allowable to instruct the child as to the nature of an oath, although it is of course not allowable to instruct the child as to the nature of what she should say. She must be allowed to tell her story in her own way with her own mannerisms, and the only object to be obtained is that her evidence be under oath, so that it will not necessarily have to be corroborated under section 16 of the *Canada Evidence Act.*

7. *Brief.*—Prior to going into Court the constable should gather together all his papers, documents, and other material he wishes to use in the case as exhibits, and armed with his Criminal Code, he will then be in a position to appear in Court and present his case, believing in the absolute justness of his cause.

8. *Rules of Evidence.*—A constable cannot do justice to his cause without being familiar with the general rules of evidence. The principal Act dealing with evidence in the criminal Court is the *Canada Evidence Act,* ch. 145 of the Revised Statutes of Canada. A few of the provisions which constantly arise are here dealt with. They have regard to:

(*a*) Husband and Wife (sec. 4).—It should be distinctly noted that there is a difference between evidence given by such persons for the defence, and evidence given for the prosecution. In the first paragraph of section 4, the words "competent witness for the defence" appear, and in sub-section 2 the words "competent and compellable witness for the prosecution without the consent of the party charged" appear. But the said sub-section 2 only permits the use of this evidence in certain cases, namely, offences against any of sections 202 to 206 inclusive; infamous offences, 211 to 219 inclusive, seduction, etc., 238, 239; vagrancy, 242*a*, 244, 245; neglect to provide necessaries 298 to 302 inclusive; rape, etc., 307 to 311 inclusive; bigamy, etc., 313 to 316 inclusive; abduction, etc., of the Criminal Code. It is to be noted also that the failure of the person charged, or of the wife or husband of such person, to testify cannot be made the subject of comment by the prosecutor, or for that matter, the Judge.

(*b*) Incriminating Answers (sec. 5).—Although a witness is not excused from answering a question which may tend to criminate him, yet by sub-section 2 of section 5, it seems that a witness may object to answer, and if he does object, then the answer so given cannot be used as evidence against him in any criminal trial.

(*c*) Previous convictions.—Under section 12 a witness may be questioned as to whether he has been convicted of any offence, and upon being so questioned, if he either denies the fact or refuses to answer, the opposite party may prove the conviction. It must be remembered that there is great danger in attempting to prove a conviction at the wrong time during the proceedings. Some acts, for example the *Liquor Act,* say distinctly that this cannot be done until he

has been found guilty on the then pending charge. Other Acts allow the previous conviction to be proved when the offence has, during the evidence in respect of the pending charge, been proved, not necessarily after conviction. So it is necessary to ascertain under the various Acts the time when, and the manner how, such previous conviction may be admitted in evidence. In default of any such, then the provisions of section 12 will regulate the manner also of the proof. It must never be forgotten that not only proof of the conviction is necessary, but also proof of the identity of the person convicted, with the prisoner in the dock. It very frequently happens that this is omitted.

(*d*) Child's Evidence.—Where a child of tender years is offered as a witness, and such child does not, in the opinion of the Judge, Justice, or other presiding officer, understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the Judge, Justice, or presiding officer as the case may be, such child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth. It is further provided that no case shall be decided upon such evidence alone, and such evidence must be corroborated by some other material evidence. This is by virtue of section 16 of the *Canada Evidence Act.*

(*e*) Proof of Documents.—It is allowable to prove Government Proclamations, etc., by copies of Official Gazettes, King's Printers' copies, etc. (sec. 22); Official public documents of province or municipality by copies under seal of corporation, and hand of presiding officer, clerk or secretary (sec. 24). It is to be noted, however, that under section 28, no *copy* of any book or other document can be received in evidence under the authority of sections 23, 24, 25, 26, 27 of the *Canada Evidence Act* upon any trial unless the party intending to produce the same has before the trial given to the party against whom it is intended to be produced, reasonable notice of such intention. It cannot be less than ten days. This is by virtue of section 28 of the *Canada Evidence Act.*

(*f*) Special Rules.—There are also in addition to the provisions of the *Canada Evidence Act,* several accepted rules of evidence, the most familiar of which is the one which prevents hearsay evidence, under ordinary circumstances,

being admitted in evidence. Some of these rules are contained in the Criminal Code, and attention is here drawn to the following sections: Sec. 989 (cattle cases); sec. 994 (receivers of stolen property); sec. 1000 (depositions used in another trial); sec. 685 (admission or confession); sec. 985 (character of gaming house); sec. 986 (house being a disorderly house); secs. 980, 981 (counterfeit coin and money); sec. 987 (gaming in stocks); sec. 1002 (corroboration); sec. 984 (proof of age of boy or girl); and sec. 1001 (statement of accused).

9. *Opening the Case.*—Assuming that the constable has now arrived in Court, the first step is to await the arrival of the magistrate, and wait until the case is called. Immediately the magistrate calls out the case the constable should take his place beside the witness stand or table, and have seated beside him the first, or principal witness, he intends to call. The magistrate will look over the information and complaint and will then address the accused, reading the charge to him, and in case of a trial ask him to plead, but in the case of a preliminary enquiry this will be omitted. The constable should be ready at a moment's call to put his first witness on the stand, and this he will do as soon as the magistrate signifies that he is ready to proceed or otherwise shows that he is waiting for the prosecution to begin. The constable may be on the point of rising to open his case when the defending counsel or his representative may have risen at the same moment and placed before the Court some objection to the case proceeding. This is a common practice, and the constable should be in a position to answer the objections, and, if necessary, amend the information, or substitute another and have it sworn. If the objections are not allowed by the Court there will be no necessity to do this, unless an opportunity is desired to amend the information for some other cause.

10. *Prosecution of Case.*—The objections having been dealt with the case will proceed and the first witness called. All other witnesses should be excluded from the Court room while the witness is giving his evidence. An application to the Court to have them excluded is necessary. The witness is sworn according to his religious belief. The oath most binding on his conscience should be administered. The witness then gives oral testimony of the facts of the case as he knows them, the story coming from him, not prompted by the prosecutor and not led. Leading questions are not allowed. Care should be taken to see that the wit-

ness can identify the exhibits, and while in the witness box he should be asked to do this. On having first been identified, then the witness can go on with his story as to what part the exhibits played in the crime, thus connecting the exhibits with the crime. Upon the conclusion of the examination of the witness in chief, as it is called, the defence has the opportunity to cross-examine, and considerable latitude is given in cross-examinations. Questions can be asked, including those which are leading, which will have for their object the ascertainment of the truth of the story, and its completeness. Details are disclosed in cross-examination which oftimes are unknown to the prosecutor, and the constable should make a note of them when they occur, so that he will have them for future reference. Fairness in the manner of examination by the constable is advisable. In case of dispute the constable must take the ruling of the Court with good grace, even though he may think it a wrong decision. He may argue strenuously before the decision is given, but he must not argue at all after it is once given, as it can do no good, and perhaps will do considerable harm to his case. If he has failed to bring out certain facts by reason of the decision of the Court in regard to one witness he may be able to bring these facts out through another witness.

11. *Points Proved to be Checked Over.*—When all the witnesses for the prosecution have been examined, the constable should see that he has brought out all the essential features of the case. Before finally closing his case, he should check over the details in the evidence as shown by the tabulated statement, and if there are any documents to be put in such as orders in council, proclamations, by-laws, analysts' certificates and others which need no proof by a witness, he can put them in at this stage. These documents should be handed to the magistrate and explained as to their contents. Of course, it is not possible to put in documents through a witness who cannot identify them, and in many instances documents can be put in at this stage which otherwise might be omitted to be proved. A general survey should be made to see that, (*a*) all witnesses have been examined, (*b*) all exhibits are identified, and (*c*) that all essential elements of crime are proved beyond a reasonable doubt. This being done the case will be closed for the prosecution.

12. *Tactics of Defence.*—The next step depends upon whether the case is a preliminary hearing or a trial. At a preliminary enquiry the magistrate at this stage reads over to the accused the statement form of the accused under section 684, after reading

to him the evidence for the prosecution. In a trial other than a preliminary, the defence, at the close of the case for the prosecution, sometimes makes an application for dismissal of the case. If this is allowed nothing further takes place, if refused the case continues, the defence examine their witnesses in chief. The constable will have the right to cross-examine them in turn. In cross examination the constable's object should be with the view of testing the truth of the story told by the witness for the defence. It may be used for obtaining evidence to supply the weak places in his own case with a little strength where needed, but that is not the principal object of cross-examination. If he establishes the fact that the witness is fabricating evidence it is much more likely to have effect on that witness's evidence than to establish one or two minor details omitted from his own case, for after all the case for the prosecution must be proved by the evidence of the prosecution, and that beyond a reasonable doubt.

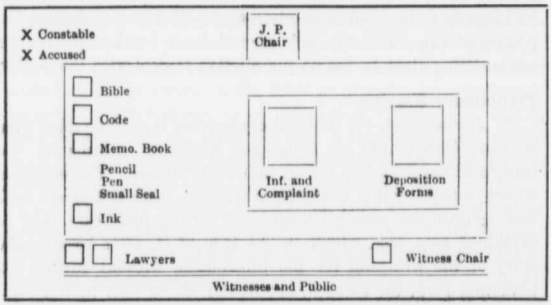
13. *Concluding the Case.*—Upon conclusion of the case for the defence, the Court generally takes time to consider its decision. It may, and usually does, ask the counsel or agent for prosecutor and defendant to address the Court. In any argument such as this before an inferior Court, the constable is not urged to unburden the whole statutory and case law on the Court. Common sense argument, along with reference to statutes of the province and dominion, giving section and page, is far better than a lengthy address. The essential elements of the crime may be pointed out to the Court as shown by the definition of the crime in the Criminal Code, and then attention respectfully drawn to the fact that the witnesses for the prosecution have proved all of them, giving the names of the witnesses and just what essential element each proved. At the conclusion of the argument, if any, the Court will give its decision, and the constable should make a memorandum on his papers as to what the decision is. The proper documentary records, warrants and exhibits should be carefully collected together and handed to the magistrate to be sent by him to the proper record office, and when the constable sees that this has been done, his case will have been both prepared and presented, and in respect thereof he will be relieved of further duties in Court, so far as that particular case is concerned.

CHAPTER IV.

JUSTICES, COURTS AND TRIALS.

Court Room—

1. *Arrival of Justice.*—The Justice, on arrival, should ask the constable to see if all the parties are present, and ready to go on with the case. On being assured that all the parties are ready to go on, the Justice can then commence the proceedings. If a particular hour has been fixed for the hearing, the Justice should really take his seat at that time, but it is usually a matter of accommodation and courtesy to ascertain if the parties are ready to go on, as the accused might be prejudiced. The Justice having taken his seat at his desk, he should find the Court room something like this:



2. *Case to be Tried.*—The first question that arises in the mind of the Justice will be the nature of the trial of proceedings over which he is to preside. This is very important. The proceedings may be either: (1) A preliminary inquiry, (2) a summary conviction trial, (3) a trial of an indictable offence (with another Justice) under section 773 of the Code, (4) an insanity case, or, (5) a hearing under some provincial statute or ordinance. The Justice may say, How am I to know which of these it is going to be? There is one way out of the difficulty. Look at the information and complaint and see what offence is charged. It must be one of two kinds, namely, 1, an offence punishable on

summary conviction, or 2, an offence punishable on *indictment*. It may just happen that when things are looked into that there is no offence charged at all. In any event the Justice should look up the section of the Code or Statute which sets out the offence charged in the information. If the section contains the words "punishable on summary conviction," the Justice will realize that he is holding a summary conviction trial. If the section says it is an indictable offence then he can only hold a preliminary hearing when he is sitting alone, or, when sitting with another Justice, a trial for certain offences only under section 773. This information should settle any doubt in the mind of the Justice as to these matters. If the matter is neither punishable on summary conviction nor indictment, it would be well for the Justice to find out how he comes to be sitting on the case at all. If it is a hearing under some statute, such as an insanity or wage case, the Justice should look up the Act dealing with the matter and carefully read how far his jurisdiction extends. If it is a hearing under section 773 of the Criminal Code, he should (unless he happens to be a police magistrate, or other person having the powers of two Justices), look around for a brother Justice for while sitting alone he has no jurisdiction to deal with the matter.

Preliminary Hearing—

1. *Jurisdiction.*—A preliminary hearing is nothing more than an *investigation* into the facts upon which an information and complaint has been laid for an indictable offence. The principal object in holding it is to ascertain whether there is a *prima facie* case against the person charged. A *prima facie* case may be explained as a case, which on the face of it, after hearing the story of the witnesses for the prosecution without further explanation from the accused, apparently shows that he has committed an indictable offence. The accused, however, is given an opportunity on a preliminary hearing to make a statement, though not under oath, and this is known as the "statement of the accused." In addition to this the accused has the privilege of giving evidence on oath by himself and by witnesses. The hearing is an enquiry preliminary to another trial before a Court having higher authority than that over which the Justice presides, and, therefore, it is essential that the proceedings should be regularly and carefully conducted, as they come under the scrutiny of Judges and officials and consequently reflect on the Justice's capabilities should any irregularities take place.

2. *Steps in Procedure, 1st Step.*—The first step is to see that the accused is present in person. If he is under arrest he should be in charge of the constable. Upon the Justice taking his seat as at any other trial, he should look over the papers before him on the desk, which he will, no doubt, find equipped with pen, pencil, ink, paper, a criminal code, a Bible, the information and complaint, statement of accused, some deposition forms and his own seal of office, or in lieu thereof some small red seals. The accused is politely asked to stand up in his place and the charge as contained in the information and complaint should be distinctly and audibly read to him. If he is a foreigner, not understanding English, the charge should be interpreted to him. The accused now resumes his seat. He is not asked to make any statement at this particular time and he should not be called on to plead "guilty" or "not guilty." The Justice is not holding a trial, he is holding an *enquiry*, and it is immaterial to him whether the accused is guilty or not guilty. That is for a higher Court to decide.

2nd Step.—The next step is for the Justice to call upon the informant to come forward with his witnesses to give his story. The witness, whether it be the informant himself or some other person, should be sworn on the Bible or other book, according to the creed of the witness, or he may affirm. Where the oath is taken on the Bible the following oath will be sufficient: "You swear that the evidence you shall give the Court touching the matters in question shall be the truth, the whole truth and nothing but the truth. So help you God." If he wishes to affirm he may be allowed to do so, and the following words should be used: "I solemnly affirm that the evidence to be given by me shall be the truth, the whole truth and nothing but the truth." In all cases the witness stands up when he takes the oath or makes his affirmation. His head should be uncovered unless he be a Jew swearing upon the Pentateuch. The Bible should be held in the right hand, and after the repeating of the oath the Bible should be kissed by the witness. The principal idea behind the taking of an oath is that it binds the conscience of the person taking it, and consequently whatever form has the most effect, according to the religious belief of the witness, is preferable. In the case of a child of tender years the evidence may be taken without administering the oath. It is advisable that such evidence be corroborated. This, however, only applies to the value of it, and does not affect the taking of it without corroboration or without oath.

The witness having been sworn, or made affirmation, gives his testimony. Where the witness is a woman, the Justice should, out of courtesy to her, see that she is provided with a chair to sit on while giving her testimony. The witness may have the assistance of a lawyer while giving testimony, but if the witness is being questioned by the lawyer for party by whom the witness is called, the Court should see that what are known as "leading questions" are not asked. These questions are asked with the intention of prompting the witness. A certain amount of latitude is, of course, necessary to get at the matter at issue, but the story must come from the witness and not from the person who is assisting the witness. The Justice takes down the evidence on the deposition forms in longhand or by shorthand reporter.

When the witness has told his story, either with or without the assistance of a lawyer for the party who calls him, and he has nothing to add to it, he has given what is called evidence "in chief." In other words he has given the facts so far as he knows them. The Justice can, during this, or afterwards, ask the witness any questions which may have arisen in his mind during the time he has been listening to the witness. The other party also has the right to ask the witness questions and this is called "cross-examination." The idea of this is to find out whether the witness is telling the true facts as he knows them, or whether he is hiding the details. A good deal of latitude is allowed in cross-examination and direct and leading questions are allowable. The Justice should see, however, that the witness gets fair play. This procedure will continue in respect of each witness who gives testimony and the Justice will take charge of any articles or things referred to in the evidence when produced in Court. These articles are called "exhibits" and form very material evidence at the trial and should be carefully marked so that they can be identified and kept for future use.

3rd Step.—All the evidence having been produced for the informant or prosecution, as it is called, the Justice will ask the accused, politely, to stand up in his place. He will now ask the accused whether he desires the depositions of the prosecution witnesses to be read over again. The accused has a perfect right to hear all the evidence read out to him, but he may, of course, signify that he does not wish this to be done in his case. After the depositions have been read or the reading dispensed with there is read to the accused what is known as the "statement of the accused." This is a form which the Justice will have on hand.

This form speaks for itself. It is intended to ascertain what the accused has to say in explanation of what the witnesses for the prosecution have put forward against him. He is not bound to say anything and usually remains mute or says the word "nothing," in answer thereto. Whatever the accused says should be put down in his exact words. If he does not make any statement at all the word "nothing" may be inserted in the space in the form. This having been done, the accused should sign the form and the Justice should also sign the form in order to make it complete and regular.

4th Step.—The accused should then be addressed by the Justice, who asks him if he wishes to give evidence on his own behalf, or if he has any witnesses whom he desires to call. If he wishes to give evidence, he should leave his place and go to the witness stand and there be sworn and give his evidence and he can be cross-examined like any other witness. He can call witnesses on his behalf to prove his story, but they can be cross-examined like all other witnesses. When all the evidence is given for the defence as well as for the prosecution the procedure which then follows is that taken by the Justice having regard to all the facts of the case.

5th Step.—The Justice may or may not wish to read over the evidence given before him. In any event the wisest course to pursue is to read it over very carefully. Points of law may have to be explained, and perhaps the lawyers may have a word to say on behalf of their respective clients, the prosecution and the defence. If one is given an opportunity the other also should have the privilege. That is only fair. Upon the conclusion of the legal argument the Justice will then exercise his powers under the Code. The question will probably have already run through the mind of the Justice, "What can a Justice do on a preliminary hearing?" He can do one of three things:

1st. Dismiss the case;

2nd. Commit for trial; or

3rd. Remand on bail.

The Justice may well say, "Yes, I can do any of these things, but when shall I do the one and not the other?" This is one of the places where the good judgment and common sense of a magistrate is to be taken into account. If the assistance of other persons' opinions can be of any use to the Justice, the words in Daly's Book on Canadian Criminal Procedure may here be given for the Justice's guidance:

"The Justice is not called upon to decide the guilt or innocence of the accused, but after considering the whole evidence he has to form an opinion as to whether or not a sufficient case has been made out to put the accused on his trial. It is not for the Justice to balance or weigh the evidence as if he were trying the accused for the offence charged. If the witnesses for the accused have explained away the facts given in evidence by the witnesses for the prosecution which go to the root of the matter and they establish the prisoner's innocence, or the utter improbability of the story put up by the prosecution, this will render further proceedings unnecessary, and the accused should be discharged."

If the Justice thinks that the evidence is sufficient to put the accused on his trial, he should commit him for trial or remand him, on bail, "*to appear at the next Court of competent Criminal Jurisdiction.*" It need hardly be said that where the evidence is perfectly clear and if the case is a very serious one a committal is the safest course to pursue, as the Justice has very limited powers to grant bail.

If committed for trial the warrant of commitment should be very carefully made out and handed to the constable to escort the prisoner to gaol. This warrant of commitment is signed and sealed by the magistrate. These precautions should never be overlooked.

If it is the intention of the Justice to remand on bail he can do this alone where the imprisonment for the offence would be less than five years, or with the services of another Justice where the offence is punishable with five years' imprisonment or over, except offences punishable with death. A remand on bail is granted on the accused entering into the recognizance with sureties. In particular this recognizance should state that the accused binds himself "*to appear at the next Court of competent Criminal Jurisdiction.*" Upon the recognizance being entered into the accused is released into the custody of his sureties who guarantee his appearance at such Court. The witnesses should also enter into a recognizance to appear at the same time and place to give evidence for or against the accused as the case may be.

6th Step.—The Justice may think that so far as he is concerned his duties are complete when the case is over. This is not so. He has a further duty. He must put the case into the hands of the parties who will subsequently try the accused. How is this done? It is done by forwarding the papers to the Clerk of

the Peace or Clerk of the Court for the district. To him should be sent: 1, The depositions; 2, the exhibits (carefully wrapped); 3, the statement of the accused, and 4, the report of committal, recognizance of bail and all other papers having a bearing on the case. On receipt of these the clerk enters the accused's name on the docket for hearing. In addition to this the Justice would be well advised to send to the Crown officers, the Attorney-General's agent or deputy, a report of the committal or remand on bail, as they will have to see that the Crown is represented at the trial of the accused. In this report of committal there should be given particulars of the case, including names and addresses of the witnesses who are to give evidence at the trial. Any accounts which may have to be paid for expenses at the preliminary hearing should be certified as to attendance, and the Justice will sign the same as to this. These accounts are not paid as a matter of course, but are paid as a matter of grace, as no costs are allowed by the Court on preliminary hearings, and it is only in exceptional cases like murder trials that these accounts are given consideration. The Justice should, therefore, not promise that the same will be paid, but that they may receive consideration.

3. *Summary.*—The committal of weak cases, especially in the provinces which do not have the grand jury system, is a source of expense to the Government which should be avoided. Not only is the Government put to needless expense, but the prisoner also has to expend money to defend himself. There can always be another preliminary hearing if fresh evidence is brought forward later and a dismissal on preliminary does not prevent another preliminary being held. Besides all this the expenses of witnesses travelling long distances, counsel fees, jury fees, expenses in connection with keeping the prisoner in gaol could all be saved if the Justice would use a little discretion in the matter of committal. By the use of good judgment and common sense in such cases not only does the accused get fair treatment but the province is not burdened with unnecessary expense. The following is a short summary of what happens during a preliminary hearing:

1. Justice takes his seat.
2. Reads charge to accused.
3. Swears the witness.
4. Witness gives evidence in chief.
5. Witness is cross-examined.
6. Witness is possibly re-examined.

7. Witness is cross-examined on his re-examination.
8. Evidence for prosecution closed.
9. Justice reads statement of accused.
10. Accused asked if he wishes to say anything in answer to it.
11. Accused asked if he wishes to give evidence by himself or by witnesses.
12. Accused and witness give evidence and are examined and cross-examined.
13. Evidence for defence is all given.
14. Exhibits all marked.
15. Justice commits, discharges or remands accused.
16. Commitment signed and sealed.
17. Recognizance signed.
18. Depositions and exhibits sent to Clerk of Court.
19. Committal reported to Deputy Attorney-General.

Summary Conviction Trials—

1. *Jurisdiction.*—This is the commonest of all trials. It takes place before one or more Justices of the Peace. Quite a number of Dominion and Provincial statutes make offences punishable on summary conviction. The Criminal Code also contains quite a number of offences punishable on summary conviction. The Justice is Judge of both law and fact and takes the place of a jury whenever he sits on a summary conviction trial. It is essential therefore that he must see that the accused has every opportunity of giving a *full answer and defence to the charge.*

2. *Steps in Procedure, 1st Step.*—The first step in a summary conviction trial is to take the information and complaint of the complainant. It can be taken upon one of the forms supplied to the Justice by the Government. It is "laid" when it is sworn to by the informant, signed by the Justice and signed by the informant.

2nd Step.—The information and complaint having been laid, the next question is for the Justice to decide on the issuing of a summons. It is advisable in summary conviction matters to issue a summons instead of a warrant, although both are applicable. The summons contains a memorandum of the charge, and the date upon which the case is to be heard, and is signed by the Justice and served on the accused by a constable.

When served the constable should mark on the back of the copy or original which he retains a memorandum of this service

and hand the same to the Justice. This memorandum will be a good answer to any person who says he was never served. The same applies to summons for witnesses, which is a similar form.

3rd Step.—The Justice will be on hand on the day set for the hearing or if he does not sit then the person who does sit should have authority in writing from the Justice to take his place, because the Justice who took the information is said to be seised of the case and should by rights try the accused. All being ready the Justice takes his seat. It may be that the parties have come to an amicable settlement of their difficulies unknown to the Justice and the party who laid the information may wish to withdraw it. So long as the Justice is of opinion that no miscarriage of justice will result in this procedure, he may allow this to be done. His duties in that case will be very light and there will be little else to do but make up the bill of costs according to section 770 of the Code.

Should the parties not be in a position to go on but wish an adjournment, it is discretional with the Justice whether or not he shall give it, but in no case must the refusal of it by the Justice be allowed to prejudice the accused in his defence, or this may be a ground for upsetting the proceedings.

Assuming that the parties are ready to go on with the case, and do not wish an adjournment and do not withdraw the information, then the Justice may proceed.

The Justice should keep an exact record of the proceedings on the face of the information in the following manner:

RECORD.

Hour		
A.M.	11/9/16 Court opened	T.J.
	11/9/16 Court adjourned to 2 p.m.	T.J.
P.M.	11/9/16 Court opened 2 p.m.	T.J.
	11/9/16 Accused pleaded not guilty	T.J.
	11/9/16 Found guilty	T.J.
	11/9/16 Fine paid, $ (Receipt No.)....	T.J.

Minute of Adjudication.

James Johnson found guilty of assault and fined $10 and $3 (costs) of the Court, or in default of payment forthwith, 3 months' imprisonment in the Provincial Gaol , with hard labour.

WILLIAM BROWN,
J.P.

Date, , 1919.

COSTS.

	$	c.
Information		
Arrest		
Hearing		

This record is most important and the Justice should be careful to see that he adjourns the case properly and not exceed the time allowed by law in such cases.

4th Step.—The charge should now be read to the accused who should stand up in the dock while it is being read. In answer to the charge as read the accused should be asked to plead "guilty" or "not guilty." No other words or statement should be accepted from him at this time. If he stands mute the Justice should enter a plea of "not guilty," stating on the information that the accused stood mute. Whatever be the plea the Justice should mark it on the face of the information.

PLEA OF GUILTY.

Perhaps the Justice will think on receiving a plea of guilty in answer to his question that there is nothing much more to do than sentence the accused. The accused may be pleading guilty to something of which he knows nothing, and possibly to something which is not an offence at all. The Justice could, without any great inconvenience, in such cases take down depositions of the informant and his witnesses to safeguard any such questions arising after the proceedings are closed. The Justice might well also explain to the accused the meaning of the plea of guilty, to see that he understands the proceedings and that his opportunity to explain things is prevented by giving such a plea. The accused has under the Code a right to give a full answer and defence to the charge laid. If the plea of guilty remains unchanged after this the Justice should consider what punishment will meet the case. Having made up his mind what to do, the Justice should *first write down his decision* on the information and complaint and then read it to the accused, addressing him as follows: "*Having pleaded guilty to the charge of ..... I sentence you to forfeit and pay forthwith as a penalty the sum of $..... and to pay to the informant his costs amounting to $..... and in default of such payment, forthwith you will serve ..... days' imprisonment with hard labour in the Provincial Gaol at .....*" If the fine is paid a receipt should be given. If no fine is paid a warrant of commitment should be

issued and handed to the constable. A warrant of commitment must be signed and sealed by the Justice.

Plea of Not Guilty.

Where there is a plea of not guilty the procedure will be different, for, after the accused has made his plea of "not guilty," he has a right to give full answer and defence to the charge laid against him. This he does by calling witnesses on his own behalf and by cross-examining witnesses for the prosecution.

5th Step.—The prosecution is called upon to prove its case. This is done by calling witnesses who make their statements under oath. Each witness will come forward to a place not far from the desk of the Justice and is sworn on the Bible or in other appropriate manner according to the religious belief of the witness, or he may affirm. The first witness having been sworn, his testimony is commenced, the Justice taking the same down himself in longhand, where there is no Court reporter taking the evidence. If the witness is a woman the constable will be as courteous as possible, providing the witness with a chair. The Justice will allow her to sit while giving her evidence. The witness having duly given his testimony he is said to be examined "in chief," *i.e.*, he has told his story for his own side. After this is done his story is liable to be questioned by the opposite side and they "cross-examine" him, *i.e.*, ask him questions on the story which he has told "in chief." There are certain rules governing the examination "in chief," and "cross-examination." It may be mentioned that on an examination "in chief" no *leading* questions are allowed. While on cross-examination great latitude is allowed. The intention of cross-examination is to find out whether the witness is hiding something which would assist the Court, or whether the story told is true or false. Considerable latitude is, therefore, allowed in cross-questioning the witness. The Justice will see, however, that the witness is given fair play.

The witnesses for the accused or defence are also entitled to give their side of the story, and they in their turn having given their testimony, are subject to be cross-examined by the other side. When all the evidence for both sides is complete, the Justice can now take a hand in the proceedings. No doubt he has been sitting patiently waiting for the end of the many versions of the same story, and his mind may or may not be very clear on the facts. He may also wish to know more about the law on the subject. This opportunity where there are lawyers acting for the

parties is always available, as they are there to assist the Court. There is not the slightest doubt that lawyers can be of great assistance to the Justice in rendering a fair, impartial decision correct both in law and on the facts. The Justice can also, in cases of difficulty, consult the Deputy Attorney-General or other Crown officers and they are usually only too glad to be of assistance in such cases. A Justice should not hesitate to get the best advice possible where the liberty of the subject is concerned.

6th Step.—The Justice has now reached that part of the proceedings known as the adjudication. That means the decision which he is going to give on the facts. The accused has pleaded not guilty. The question is:—Does the evidence disclose guilt or innocence? Whatever the Justice may like to do, he can only: (1) Dismiss; (2) convict, or (3) make an order under section 726 of the Criminal Code.

If the Justice decides to dismiss the case, he should first write down on the face of the Information the following words: "Judgment—I dismiss the case with costs," date it, and sign or initial it. He will then discharge the accused from custody, reading his decision aloud so that the accused and all present can hear it. The accused will be standing up waiting to receive this information. This having been done the costs will have to be made out in accordance with section 770 of the Code if the case is dismissed with costs.

If the Justice decides to convict the accused he should first write down on the face of the information this fact. It could be done as follows: "Judgment—I find the accused guilty of the offence as charged and sentence him to forfeit and pay forthwith the sum of $...., and $.... the costs, and in default to .... days imprisonment with hard labour in the Provincial Gaol at ..... Dated, ..., signed J. P." This is the memorandum of adjudication, and every Justice inflicting the penalty of a fine should make an adjudication in writing. Having done this, the Justice will ask the accused to stand up in his place and address him in terms similar to that which he writes on the face of the information, making on it, of course, personal reference to the name of the accused.

This done, the accused will exercise his option of paying the fine or taking his imprisonment in default, as this kind of a sentence is called a conviction with the option of a fine in the first instance. Where the accused is sentenced without the option of a fine, this means straight imprisonment in the first instance.

This can only be done when the statute specially says that imprisonment may be given.

If the accused pays his fine, the Justice should give him a receipt for the amount and see that the costs are made up according to section 770 of the Code, as the same appears in the table of tariff of fees. Where imprisonment either in the first instance or in default is to be served, then a warrant of commitment (for imprisonment) will be necessary. The Justice will make this out on the proper form, sign and seal the same, and hand it to the constable to escort the prisoner to gaol.

7th Step.—The Justice has certain executive acts to perform. He should enter the proceedings in his memorandum book and take two large envelopes addressing one to the Deputy Attorney-General and the other to the Clerk of the Court for the Judicial District in which the Justice resides. In the envelope addressed to the Deputy Attorney-General he will insert the Form for remitting the fine and should place the amount inside with the form and *register* the envelope. In the other envelope he will enclose all the papers in the case and address it forthwith to the Clerk of the Court or Clerk of the Peace as the case may be, for his district. The case will then be complete.

SUMMARY TRIALS OF INDICTABLE OFFENCES.

1. *Jurisdiction.*—A single Justice has no power whatever to hear and determine a summary trial for any indictable offence whatsoever. He may, when another Justice sits with him, exercise the powers to try certain offences set out in section 773 only of the Criminal Code. The police and stipendiary magistrates have large powers as will be seen from the following table:—

TABLE OF JURISDICTION SUMMARY TRIALS OF INDICTABLE OFFENCES.

Two Justices of the Peace.

(*a*) JURISDICTION UNDER SEC. 773.
By Section 776 this is absolute in certain provinces only without consent of party charged for all offences mentioned in this section. The procedure is that contained in Section 778, and the punishment that contained in Sections 780 and 781.
— Appeal under Sec. 797.

(*b*) JURISDICTION UNDER SEC. 782.
The Magistrate has power to hold a preliminary hearing under Section 782, or to sentence, with consent and on a plea of guilty, after taking evidence for prosecution in the following cases under Section 783:
(1) Theft.
(2) False pretences.
(3) Receiving stolen property.
— Over $10.
The punishment is that contained in Section 783. The prisoner is to be told that he may be so tried and that if he pleads not guilty he will be remanded for trial.
— No appeal expressly given.

(*c*) JURISDICTION UNDER SEC. 796.
Whenever any person is charged before any Justice with any offence mentioned in Section 773, and in the opinion of such Justice the case is proper to be disposed of summarily by a Magistrate, the Justice before whom such person is charged may, if he thinks fit, remand such person for trial before the *nearest* Magistrate in the Province.

Police Magistrates Cities of 25,000 and incorporated Towns or Cities of 2,500.

(*a*) JURISDICTION OF GENERAL SESSIONS OF PEACE UNDER SECS. 582-3.

By Sub-section 5, Section 777 (added 1909), Jurisdiction in certain provinces is absolute in cities of not less than 25,000, and does not depend on consent of accused in the following cases:

(1) Theft.
(2) False pretences.
(3) Receiving stolen property.

} Under $10.

Appeal under Section 1013 on questions of law only.

In all other cases consent is necessary to give any Jurisdiction to try the accused, and the punishment upon conviction is that ordinarily given on indictment as allowed by Section 777 (1).

(*b*) JURISDICTION ON SUMMARY TRIAL UNDER SEC. 773.

By Section 776 this Jurisdiction is absolute in certain provinces without consent of accused for any offence mentioned in Section 773.

No appeal under Sec. 797.

The punishment given by Police Magistrates when exercising Jurisdiction under Section 773 may possibly be limited under Sections 780 and 781, although in *Rex* v. *Conlin*, 1 C. C. C. 43, the contrary view would appear to have been the opinion of the Court.

2. *Steps in Procedure, 1st Step.*—Assuming that the Justices have opened Court in the ordinary way and have before them an information and complaint, the first step is to look up the Code for the section dealing with the case, particularly section 773 of the Code, as it is under this section that the Court will be exercising its general jurisdiction. Having done this and upon ascertaining that the wording of the information corresponds with one or other of the paragraphs in section 773, the course will be fairly clear. If there is any material difference between the wording of the offence in the information and the wording of the offence in section 773 the Justices should hesitate before trying the offence summarily. It were better to hold a preliminary inquiry and place the burden and responsibility on the higher Court. The procedure for summary trials depends on the province in which the accused is being tried. In British Columbia, Prince Edward Island, Saskatchewan, Alberta, the North-West Territories and Yukon Territories, the accused can be tried for

any of the offences contained in section 773 without his consent. In other provinces consent of the accused to be tried by the Justices will be necessary except where the offence charged is that contained in paragraphs (*a*) and (*f*) of section 773.

2nd Step.—The Justices should intimate to the accused, where his consent is not necessary, that he is being tried summarily without his consent. It is better, however, in all cases to give the accused his option to be tried by a jury as set out in section 778 and therefore the accused should be addressed in all cases as follows:—*Statement to the accused*:

"You stand charged that on or about (date) you did (offence). I am required by law to tell you that you have the option to be forthwith tried by us without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the Court having criminal jurisdiction."

Questions.—The following questions should then be asked of the accused:—

1. "Do you consent to be tried by us?"
2. "Are you ready to proceed with your trial?"
3. "Have you counsel (lawyer)?"
4. "How do you plead, 'guilty' or 'not guilty'?"

Replies.—The replies should be written down on the face of the information and a note made as to how the accused is being tried, and under what section of the Code. The trial can now commence.

3rd Step.—The examination of witnesses for the *prosecution* takes place in the usual manner and subject to the ordinary rules of evidence. On the conclusion of the case for the prosecution the Justice may, or may not, wish to exercise certain special powers contained in section 784 which provides that where the offence is one which (owing to a previous conviction of the person charged or from any other circumstance) ought to be made the subject of prosecution by indictment rather than disposed of summarily, the magistrate may, before the accused has made his defence, decide not to adjudicate summarily, but to continue the case as a preliminary hearing. At this point, therefore, the Justice should decide the following questions:—

(1) Is the case to go forward as a summary trial?

(2) Is the case to go forward as a preliminary hearing?

Whichever decision is arrived at the same should be placed

on record on the *face* of the information giving the place in the proceedings where this is done.

4th Step.—The Justice should inform the accused they intend to proceed with the trial and it is for him to produce a full answer and defence under section 786. This means the production of evidence for the defence and all other privileges and particulars on a trial of such a nature.

5th Step.—The evidence on both sides having been taken down, signed by the witnesses and the Justices, and all objections noted, and corrections made, the case will then have reached that stage when a decision from the Court is to be expected. Whatever this decision may be it should be given out in open Court, in the presence of the accused.

After a decision in a summary trial of an indictable offence there are many forms to be filled out and other executive acts to be performed. These acts are most important. If done correctly and in regular form all will be well. But if done incorrectly, and without the proper legal form, the time and money spent on the trial is worthless.

6th Step.—There is a right of appeal from the decision of two Justices holding a summary trial, in the case of any offence set out in par. (*a*) or (*f*) of section 773, and the Justices should lose no time in forwarding all papers to the proper Court along with the necessary recognizances, and other things where an appeal from their decision is taken under this provision. The rights of appeal in summary trials are very limited and the Justices should ascertain carefully whether the accused has a right of appeal or not before they release him on recognizance pending appeal.

Bail—

1. *Jurisdiction.*—The authority to grant bail in indictable offence cases is set out in section 696, which contains what is known as the "Rule as to Bail."

2. *Before Committal.*—Where a person appears before any Justice charged with an indictable offence punishable by imprisonment for more than five years (except treason), offences (including rape) punishable with death, or any offence under sections 76-86, inclusive) the Justices can *jointly with another Justice* admit the accused to bail. This is only allowed, however, where the evidence though sufficient to put the accused on his trial *does not furnish strong enough presumption of guilt to*

warrant a committal. This procedure is usually called "a remand for trial." The procedure is as follows:

1st Step.—The accused provides two sureties satisfactory to the Justice hearing the case, who will, together with the accused, enter into what is technically called a "recognizance of bail." The entering into of this recognizance of bail is an important matter. Why? Because upon it rests the possibility of the appearance or disappearance of the accused at or before his trial. If the recognizance is irregular the Crown will have difficulty to enforce it, and even if regular the same may be worthless.

The sureties of the recognizance ought to be at least two men who in the opinion of the Justice will be actually sufficient to ensure the appearance of the accused at the time and place appointed for trial. The sureties should justify, that is—make affidavit as to their being freeholders or householders and that they are worth the amount for which they become surety over and above any sum that will pay their debts and liabilities.

2nd Step.—These sureties appear before the magistrate in person and after hearing the terms of the recognizance should be asked if they consent. This should be signified on the recognizance by their signature. The Justices also sign and seal the same and forward the recognizance to the Clerk of the Court along with all other documents in the case.

Care should be taken to see that the recognizance is drawn up correctly, that all blanks are filled in and that it is conditioned for the accused "*to appear at the next Court of competent criminal jurisdiction.*"

3. *After Committal.*—The right to grant bail after committal is practically taken out of the hands of the Justices and is placed in the hands of the Judges. They issue the order for bail and the Justices take the recognizances on that order. The procedure is set out in section 698 and is similar in all other respects to the granting of bail in any other case. The sureties, however, usually justify as to their financial standing, to show that they are worth the amount of the bail above all debts and liabilities.

CHAPTER V.

DEPOSITIONS, WITNESSES AND EVIDENCE.

Depositions—

1. *Form.*—Evidence by word of mouth, on oath or affirmation, is called "oral evidence." The person giving such evidence is called a "witness," and the statement he makes is called "a deposition." There are three essentials for the taking of depositions properly. These are:—1, The accused must be present, in person; 2, he must have had an opportunity to "cross-examine" the witness; 3, the statement must be reduced into writing, signed by the Justice and by the witness giving the testimony under oath. Every deposition begins with certain legal words as an introduction. These words are called "the caption," and they show, the name, place of residence, occupation, of the witness, date and place, that it is taken under oath or affirmation before a Justice and giving short particulars of the charge. The following is a form of deposition:—

DEPOSITION.

"Canada. }
To Wit: }

"The deposition of John Smith, of the City of Edmonton, in the Province of Alberta, labourer, taken before the undersigned, William Smith, a Justice of the Peace in and for the said province, this 1st day of January, 1916, at Edmonton aforesaid, in the presence and hearing of John Jones, who stands charged that he did on or about the 3rd day of December, A.D. 1915, at Edmonton aforesaid, unlawfully steal two tons of hay, contrary to Statute in that behalf made and provided."

The said deponent saith on his oath as follows:

[NOTE: *The deposition here follows in the first person thus: 'I saw, etc., at such and such a place on such and such a day. The deposition should contain the full evidence, cross-examination and re-examination (if any) as well as the examination in chief. Any remarks by the accused should be taken down and may be evidence against him. All objections by the accused or complainant or their lawyers should be correctly noted. Only evidence which is clearly irrelevant or not admissible should be left out—all other evidence should be taken down. If the Justice has any doubt it should be taken down and left to a higher tribunal to deal with, all objections being carefully noted. The depositions must be read over and signed by the witnesses and the Justice, both of which acts must be performed in the presence of the accused. The witness is entitled to make any corrections before he signs. It is the best plan to put these alterations at the foot of the depositions as they may amount to a contradiction or change of statement without the intention of correcting errors. These additions should be signed also.'*]

"The deposition of John Smith, of the City of Edmonton, in the Province of Alberta, labourer, written on the several sheets of paper to the last (or each) of which my signature is annexed were taken in the presence and hearing of John Jones and signed by the said John Smith respectively in his presence.

In witness whereof, I have in the presence of the said John Smith and John Jones signed my name.

Signed

"John Smith,"
Deponent.

William Smith,
A Justice of the Peace
in and for the Province of Alberta.

2. *Taking Down the Evidence.*—The Justice will take the testimony down on one side only of the deposition in longhand, if a stenographer is not employed, and in taking down the same in longhand the Justice should follow the requirements of the Code very carefully. Section 590 of the Code deals with this subject and should be referred to. As far as possible the testimony should read like a well connected story, and any objections made by parties or lawyers to the evidence should be noted on the depositions.

Where a shorthand reporter takes the evidence, he should invariably be sworn as follows:—

"*You swear that you will truly and faithfully report all the evidence given at this trial, so help you God,*" and an affidavit should be attached to the evidence.

"*I, John James, of the City of Forest, stenographer, make oath and say:*

"(1) *That I was duly sworn by John Williams, J.P., to truly and faithfully report all the evidence given at the trial of John Smith.*

"(2) *That the transcript of evidence hereunto annexed signed by John Williams as Justice of the Peace is a true report of all the evidence taken down by me in the case before the said John Williams in the presence of the accused and his witnesses.*

"*Sworn, etc.,*"

(Signed) JOHN JAMES,
Shorthand Reporter.

2. *Reading Over the Evidence.*—The evidence being all complete and having been reduced to writing by the Justice, it should be read over to the witnesses by the Justice. Some small errors may have taken place in the taking down of the evidence and the witness may wish to have these corrected. This he is entitled to do, but it is obvious that this is not to be used as an opportunity

to contradict statements which he has actually made. If the witness wishes to add anything further to his story, this should be received and written at the end of the deposition. It may so happen that a witness will, while giving his testimony, object to answering a question. If this arises when lawyers are present the Justice should call on the lawyers for both parties to argue the point and the Justice will then be in a position to dispose of the matter. There are cases where the witness is justified in refusing to answer questions, as will be seen later. The testimony can be put in subject to the exception and in that way the accused will not be prejudiced.

Witnesses—

1. *Swearing.*—Assuming that the Justice is sitting in Court on a case and the proceedings having arrived at the stage where evidence is given, a witness will then be called by name by the constable or the prosecutor. The witness answering to the name called will come to the Justice's table to be sworn. The Justice will already have a Bible on his desk and the Justice should then hand the Bible to the witness to hold in his right hand with head uncovered, standing, and address the witness as follows: Oath:—*"The evidence you shall give the Court touching the matters in question shall be the truth, the whole truth and nothing but the truth, so help you God." The witness will then kiss the Bible.*

It may so happen that the Justice may be called upon to swear a Chinaman, a Jew or some person having a special religious belief. In such cases the Justice will find out what his religious belief is. For these special oaths are necessary, the object being to take the evidence in such a way as will be most binding on the conscience of the witness. Witnesses who object to swearing under oath can "affirm." The Justice administers the affirmation as follows:—Affirmation—"I solemnly affirm that the evidence to be given by me shall be the truth, the whole truth and nothing but the truth." After being sworn or having affirmed the witness will give his evidence.

2. *Evidence-in-Chief.*—The story which the witness tells is gradually got from him by numerous questions (not being leading questions) and this questioning of the witness is called the examination "in-chief."

3. *Adverse Witnesses.*—A party producing a witness is not allowed to impeach his credit, by general evidence of bad character, but, if the witness in the opinion of the Court, proves

adverse such party may contradict him by other evidence, or, by leave of the Court, may prove that the witness made at other times a statement inconsistent with his present testimony; but before such last mentioned proof can be given the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he did make such statement.

4. *Cross-Examination.*—This is an examination of the witness by the opposite party and follows immediately after the "examination-in-chief." Cross-examination may deal with *previous written statements.* Thus, upon any trial a witness may be cross-examined as to previous statements made by him in writing, or reduced to writing, relative to the subject matter of the case, without such writing being shown to him: Provided that, if it is intended to contradict the witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him; and that the Judge at any time during the trial, may require the production of the writing for his inspection, and thereupon make such use of it for the purposes of the trial as he thinks fit. Again the cross-examination may deal with previous oral statements. Thus, a witness upon cross-examination as to a former statement made by him relative to the subject-matter of the case and inconsistent with his present testimony, does not distinctly admit that he did make such statement, proof may be given that he did in fact make it; but before such proof can be given the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he did make such statement.

5. *Incriminating Questions.*—No witness is excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person. If a witness objects to answer upon the ground that his answer may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person, and if but for the *Canada Evidence Act,* or the Act of any provincial legislature, the witness would, therefore, have been excused from answering such question, then although the witness is by reason of this Act, or by reason of such provincial Act, compelled to answer, the answer so given must

not be used or received in evidence against him in any criminal trial, or other criminal proceeding against him thereafter taking place, other than a prosecution for perjury in the giving of such evidence.

6. *Questions as to Previous Conviction.*—A witness may be questioned as to whether he has been convicted of any offence, and upon being so questioned, if he either denies the fact or refuses to answer, the opposite party may prove such conviction. The conviction may be proved by producing—

(*a*) A certificate containing the substance and effect only, omitting the formal part, of the indictment and conviction, if it is for an indictable offence, or a copy of the summary conviction, if for an offence punishable upon summary conviction, purporting to be signed by the clerk of the Court or other officer having the custody of the records of the Court in which the conviction, if upon indictment, was had or to which the conviction, or summons, was returned; and,

(*b*) Proof of identity.

Documentary Evidence—

1. *Dominion Acts of Parliament.*—Every copy of any Act of the Parliament of Canada, public or private, printed by the King's Printer, is evidence of such Act, and of its contents, and every copy purporting to be printed by the King's Printer is to be deemed so printed, unless the contrary is shown.

2. *Dominion Proclamations and Orders-in-Council.*—Evidence of any proclamation, order, regulation or appointment, made or issued by the Governor-General or by the Governor-in-Council, or by or under the authority of any minister or head of any department of the Government of Canada, may be given in all or any of the modes following, that is to say:—

(*a*) By the production of a copy of the *Canada Gazette,* or a volume of the Acts of Parliament of Canada purporting to contain a copy of such proclamation, order, regulation, or appointment or a notice thereof;

(*b*) By the production of a copy of such proclamation, order, regulation or appointment, purporting to be printed by the King's Printer for Canada; and,

(*c*) By the production, in the case of any proclamation, order, regulation or appointment made or issued by the Governor-General or by the Governor-in-Council, of a

copy or extract purporting to be certified to be true by the clerk, or assistant acting clerk of the King's Privy Council for Canada; and in the case of any order, regulation or appointment made or issued by or under the authority of any such minister or head of a department, by the production of a copy or extract purporting to be certified to be true by the minister, or by his deputy or acting deputy, or by the secretary or acting secretary of the department over which he presides.

3. *Provincial Proclamations and Orders-in-Council.*—Evidence of any proclamation, order, regulation or appointment made or issued by a Lieutenant-Governor or Lieutenant-Governor-in-Council of any province, or by or under the authority of any member of the executive council, being the head of any department of the government of the province, may be given in all or any of the modes following, that is to say,—

(*a*) By the production of a copy of the official gazette for the province, purporting to contain a copy of such proclamation, order, regulation or appointment, or a notice thereof;

(*b*) By the production of a copy of such proclamation, order, regulation or appointment, purporting to be printed by the government or King's Printer for the province;

(*c*) By the production of a copy or extract of such proclamation, order, regulation or appointment, purporting to be certified to be true by the clerk or assisting or acting clerk of the executive council, or by the head of any department of the government of a province, or by his deputy or acting deputy as the case may be.

4. *Municipal and Public Documents.* — In every case in which the original record could be received in evidence,—

(*a*) a copy of any official or public document of Canada or of any province, purporting to be certified under the hand of the proper officer or person in whose custody such official or public document is placed; or,

(*b*) a copy of a document, by-law, rule, regulation or proceeding, or a copy of any entry in any register or other book of any municipal or other corporation, created by charter or statute of Canada or of any province, purporting to be certified under the seal of the corporation, and the hand of the presiding officer, clerk or secretary thereof;

is receivable in evidence without proof of the seal of the corporation, or of the signature or of the official character of the person or persons appearing to have signed the same, and without further proof thereof.

5. *Notices, Advertisements, etc.*—All copies of official and other notices, advertisements and documents printed in the *Canada Gazette* are *prima facie* evidence of the originals, and of the contents thereof.

6. *Certificates.*—No proof is required of the handwriting or official position of any person certifying, in pursuance of the *Canada Evidence Act*, R. S. C. 1906, ch. 145, to the truth of any copy of or extract from any proclamation, order, regulation, appointment, book or other document. Any such copy or extract may be in print or in writing, or partly in print and partly in writing.

7. *Provincial Law Governing Other Matters.*—In all proceedings over which the Parliament of Canada has legislative authority, the laws of evidence in force in the province in which such proceedings are taken, including the laws of proof of service of any warrant, summons, subpœna or other document, subject to the provisions of *Canada Evidence Act* and other Acts of the Parliament of Canada, apply to such proceedings.

CHAPTER VI.

How to Draw up Forms.

Information and Complaint (Form 3)—

1. *Acting Magistrates.*—A Justice or magistrate acting in the illness, or absence of, or at the request of another Justice or magistrate should sign all warrants and process as "acting," and giving the particular reason for so acting.

2. *Form and Contents.*—An information and complaint *should* contain the following:—(*a*) Informants' name in full; (*b*) occupation and address with street number; (*c*) date of offence, with words "*on or about*" preceding the same; (*d*) place where offence committed, with words "*at or near,*" preceding same; (*e*) name, occupation and address of person charged, or where not known, the following words should be inserted, "unknown man to be identified"; (*f*) a concise legal description of the offence, followed by the essential elements of the offence thus, "*did assault A.B. by striking him on the face with his fists, contrary to section 291 of the Criminal Code*"; (*g*) where the offence is against a by-law, the words "contrary to By-law No. of the City of " should appear on the information. The form used should be form 3 of the Criminal Code. It is applicable for both summary conviction cases and indictable offences.

3. *Objections and Defects.*—Every objection to an information for any alleged defect therein in substance or in form should be taken at the commencement of the trial, or it may possibly be taken as waived under section 752 of the Code. The proper time to make the objection is immediately before plea. In the case of a wrong name under which the accused is charged the objection should be made before pleading to the charge. In that event the mistake can be corrected at once.

4. *One Offence only Chargeable.*—It will be noticed that section 710, sub-section 3 of the Criminal Code requires an information to cover *one offence only,* but section 725, stipulates that no information shall be considered as charging more than one, or be otherwise uncertain, simply on account of its stating the offence as having been committed in different ways, or in respect of different articles. It must be remembered, however,

that distinct and separate acts, on different days should always be dealt with in separate informations. There can then be no doubt about imposing separate penalties.

5. *Swearing the Information.*—Where it has been shown that the information was not in fact sworn at the time and place mentioned it does not necessarily mean that the information will be quashed but an information should always be dated the day it is sworn, and in swearing the same the magistrate should read it out to the informant and properly administer the oath. Just merely signing the information and letting that be sufficient, is not at all advisable. When any amendments are made after the first swearing, these amendments should be initialled by the magistrate and the information re-sworn and the fact of its being re-sworn should be noted by adding the words "Re-sworn" and the date should be inserted *above* the original date of swearing.

Information for Search Warrant (Form 1)—

1. *Form and Contents.*—The form of information for a search warrant given in the Criminal Code is merely a skeleton form and the most essential part, namely, "the causes of suspicion," are not set out therein. These vary in every case and it is absolutely essential, in order to validate the search warrant, that the "causes of suspicion" be inserted in the information so that the articles searched for can be associated with the crime.

Search Warrant (Form 2)—

1. *Form and Contents.*—A skeleton form of search warrant will be found in Criminal Code, Form 2. It must be remembered, however, that special sections of the Criminal Code and certain special statutes make provision for the issue of search warrants and very often there are special steps to be taken and a proper form issued. There are special provisions in the following cases:—(*a*) Searching for women in houses of ill-fame (sec. 640); (*b*) gaming houses (sec. 641); (*c*) opium joints (sec. 642*a*; (*d*) disorderly houses (sec. 643); (*e*) *Animals' Contagious Diseases Act,* R. S. C. 1906, ch. 75, sec. 12; (*f*) *Customs and Fisheries Protection Act,* R. S. C. 1906, ch. 47, secs. 5, 6; (*g*) *Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 314, sec. 357, sec. 599; (*h*) *Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 136, as amended 1908, ch. 71, sec. 3); (*i*) *Customs Act,* R. S. C. 1906, ch. 48, secs. 148-154; (*j*) *Dairy Industry Act,* 1914, ch. 7, sec. 150; (*k*) *Electricity Inspection Act,* 1907, ch. 14, sec. 9; (*l*) *Fisheries Act,* 1914, ch. 8, sec. 47; (*m*) *Fugitive*

Offenders' Act, R. S. C. 1906, ch. 154, sec. 19; (*n*) *Indian Act,* R. S. C. 1906, ch. 81, sec. 140; (*o*) *Inspection and Sale Act,* R. S. C. 1906, ch. 85, secs. 303, 327; (*p*) *Inland Revenue Act,* R. S. C. 1906, ch. 51, secs. 79-91; (*q*) *N. W. T. Act,* R. S. C. 1906, ch. 62, sec. 90, and ch. 91, sec. 19; (*r*) *Petroleum Inspection Act,* R. S. C. 1906, ch. 86, sec. 25; (*s*) *Wireless Telegraphy Act,* 1913, ch. 43.

Summons or Warrant (Forms 5 and 6)—

1. *Acting Magistrates.*—A Justice or magistrate acting in the illness or absence of, or at the request of another Justice or magistrate, should so state after his signature. Jurisdiction on behalf of another should not be exercised without a request in writing.

2. *Form, Contents and Issue.*—A form of summons will be found in the Criminal Code, Form 5, and of a warrant in Form 6. These printed forms should always be used in preference to typewritten ones. The contents should follow the wording of the information without variation. If this is done there can be no difficulty about the accused not knowing what offence he is being charged with. Under sections 655 and 711 of the Criminal Code a Justice has an absolute discretion to issue a summons or warrant as he pleases. Where possible a summons should be used. If the Justice has any doubt in the matter he can, before issue of summons or warrant, require the witnesses to appear and give details of the case in accordance with section 655. No warrant should be issued until the information is laid.

3. *Execution and Service.*—A warrant to apprehend may be executed by arresting the accused whenever he may be found, within the jurisdiction of the magistrate who issued the warrant. On a fresh pursuit the warrant may be executed within seven miles of the border. A warrant can be issued or executed on a Sunday or holiday. A copy of the warrant should be given to the accused. If a summons is issued instead of a warrant, it should be served *personally* on the accused. Where personal service cannot be effected, the summons may be left with an adult person at the accused's last known place of abode and at the time of leaving the same, the nature of the summons should be explained to the person with whom it is left. In the case of corporations service of a *summons* can be effected on the mayor, chief officer of the corporation, or upon the clerk or secretary, and the proof of the service should be made by affidavit attached to the original summons.

Conviction (Forms 31, 32 and 33)—

1. *Acting Magistrates.*—A Justice or magistrate acting in the illness, or absence of, or at the request of another Justice or magistrate, should show on the process or warrant, that he is so acting.

2. *Formal Conviction.*—By a *formal* conviction is usually meant the actual conviction Form 31, 32 or 33, which is drawn up following the conviction in the Court. It can be drawn up at any time before a return on *certiorari* is called for by the superior Court of Criminal Jurisdiction, and it can be amended, *i.e.*, by the return of an amended conviction, at any time before the conviction is actually quashed.

3. *Contents.*—A summary conviction, when drawn up in legal form, *must* show (*a*) Place for which the Justice acts; (*b*) offence was committed within the limits of the Justices' jurisdiction; (*c*) where the charge is against a particular class of individuals, *e.g.*, druggists, etc., that the accused belongs to the particular class; (*d*) in the case of second and subsequent offences, a recital to that effect. Every summary conviction form should show (*a*) name of person injured; (*b*) owner of property; (*c*) means or acts by which the offence was committed; (*d*) time when the offence was committed; (*e*) street number of premises in disorderly house cases; (*f*) date when conviction was made in Court; (*g*) amount of fine and costs; (*h*) length of imprisonment in default, and whether with or without hard labour; (*i*) date of signing and sealing by Justice or magistrate.

4. *Copies.*—The defendant, upon being convicted, is entitled to a copy of the conviction, if he applies therefor. He is also entitled to a copy of the *minute* of conviction.

Warrant of Commitment (Forms 16, 22, 26, 41, 42, 44, 46, 54 and 67)—

1. *Forms.*—Committal forms vary. There are warrants of commitment:—1, Upon conviction for penalty in first instance (Form 41); 2, on an order for payment of a sum of money (Form 42); 3, for want of distress (Forms 44, 46); 4, in default of sureties; 5, for non-payment of costs of an appeal (Form 54); 5, on committing accused on bench warrant (Form 67); 6, witness for refusing to enter into recognizance (Form 26); 7, committal for trial (Form 22); 8, witness refusing to be sworn or to give evidence (Form 16).

2. *For Want of Distress.*—A warrant of commitment for want of distress upon a summary conviction should recite not

only the default in payment of the fine, but also that there has been a return to the distress warrant, and that no sufficient distress was shown, *or*, that distress was dispensed with under section 724 as being ruinous to family.

Distress Warrants (Forms 39, 40, 41 and 42)—

Forms.—The Justice making a conviction or order in a summary matter in accordance with any of the provisions of section 739 (*a*) of the Code can issue a warrant of distress in Forms 39 or 40, and in the case of a conviction under section 739 (*b*) the warrant must be in Form 41 or 42.

Imprisonment in Default of Distress.—Where the judgment orders the money to be levied by distress, and that, in default of there being sufficient goods, the defendant shall be imprisoned, the distress warrant should be issued first, and should it be ascertained that there is no sufficient distress upon which to levy, a return to that effect should be made before the warrant of commitment is issued.

Return.—The return to a warrant of distress should follow Form 44.

CHAPTER VII.

COMMON ERRORS.

1. *Generally.* — Every human being makes mistakes. Although to be regretted, the mistakes may have a beneficial result more often than not, however, in favour of the prisoner, as he may be released from imprisonment on *habeas corpus*, and the conviction against him quashed on the ground of irregularities. It is desirable to reduce to a minimum the grounds upon which such applications are made. The procedure usually adopted by parties who wish to question the validity of a conviction by a Justice of the Peace is to have the case reviewed by a higher Court. There are several ways in which this may be done. The case may be appealed, in which event the evidence is all taken, and the case is commenced from the very beginning, before a Judge sitting in Court. Another procedure is by application to the Supreme Court by way of *habeas corpus* or *certiorari*. The *habeas corpus* application is made when the accused is in prison, and the object is to obtain his release from custody. A *certiorari* application is taken where a fine has been paid by the accused, and the object is to have the conviction struck off the records or, as it is technically called, quashed. Where it is desired to have the prisoner released from custody and also have the conviction struck off the records as against the prisoner an application is made by *habeas corpus* with *certiorari* in aid. This is a combination of procedure having for its object concurrent remedies. All such applications are governed by Rules of the Court and these Rules require written notice in most instances to the Justice of the Peace or the Attorney-General or the informant. This notice usually gives the grounds for the application and it is here the errors of the Justice are shown, or, at least, objections are put forward on the ground of irregularities. As an example of grounds upon which such applications are made, the following, taken from a recent case, will give the Justice some idea as to where the errors are to be looked for. The objections taken were as follows:

(1) That the informations charged no offence.

(2) That the charges should have been and were not laid before the nearest magistrate.

(3) That the charge was not tried by the Justice who took the information, and that there was no evidence of a request to the convicting Justice to try the case.

(4) That the two charges, being separate charges of common assault against each of the defendants, were tried altogether without the consent of the defendants.

(5) That the informations and convictions contained two separate and distinct offences.

(6) That evidence was wrongly admitted by way of a petition.

(7) That the evidence did not sustain the conviction.

(8) That the conviction assigned no date to the offence.

(9) That the information was not re-sworn after amendment.

(10) That an adjournment to enable counsel to be engaged to represent the accused was refused.

(11) That the costs fixed were excessive.

It will be noticed that these are eleven in number and cover a wide field of imagination. Although there may be (and usually is) little foundation for some of the objections, yet it may so happen that on one or other of the grounds the accused may be successful in his application and though guilty of some offence may yet gain his liberty. The examples below will give the Justice some idea how to avoid these common errors, and it is hoped that he, benefiting by the experience of others, will realize that it is in his power to protect the liberty of the subject, and save the expense to the Crown of defending such applications. The Justice if he does succeed in this will have achieved something and his services to the community in general will not have been given in vain.

2. *Arrest.*—It is wrong to arrest *without* warrant (not on a view) on a charge of keeping a common bawdy house. *Why Wrong?* Because if objection is taken to the jurisdiction of the magistrate at the trial, the conviction will, on *certiorari*, be quashed as illegal. (Rex v. Wallace, 32 W. L. R., p. 264). It would have been right to arrest *upon a warrant* in such case, after information laid.

3. *Committal.*—It is wrong after a conviction and sentence to hold over for 48 hours the warrant of commitment to permit the person to leave town, where no definite time has been fixed as to how long the party should remain away. *Why Wrong?* Because at his expiration of the term of imprisonment the effect

of the conviction was spent and no power existed to arrest such person again on his return on a warrant based on the old conviction. (Rex v. Fitzpatrick, 32 W. L. R., p. 423). It is questionable whether it would be right in any instance to do this as it might amount to the banishment of the individual from a particular place for a given time, which is presumably beyond the power of the individual. It would be better to execute the warrant or suspend sentence if there is that power.

It is wrong for one Justice to issue a warrant of commitment upon a conviction made before two Justices. *Why Wrong?* Because the form of conviction will be defective by reason of its being issued by one Justice only. (Rex v. James, 32 W. L. R. 533). It would have been right if the warrant of commitment had been signed and sealed by ***both*** Justices.

4. *Search Warrant.*—It is wrong to accept an information for a search warrant not alleging an offence, nor stating causes of suspicion. *Why Wrong?* Because a search warrant issued on such an information is bad and will be quashed. (Rex Ex Rel. Guloien v. Frain, 32 W. L. R. 387). It would have been right if the information for the search warrant had contained a description of the offence in the words of the Statute creating it, giving cause of suspicion and in all respects conforming with section 629 of the Criminal Code or other Statute under which authority was issued.

5. *Seal.*—It is wrong to issue a conviction without a seal. *Why Wrong?* Because it is void. (Bond v. Conmee, 15 O. R. 716). It may, however, be treated as a minute of adjudication. (Rex v. Dickey, 32 W. L. R. 405). It would have been right if the conviction were signed, sealed and otherwise in accordance with the law.

6. *Depositions.*—It is wrong to have depositions taken irregularly. *Why Wrong?* Because it is liable to be criticized by the Court and may also be the subject of objections on indictment of the accused as in Rex v. McClain, 30 W. L. R. 391. It would be right to have the depositions comply with section 682 of the Criminal Code. A form of deposition is as follows:

"CANADA,

Province of Alberta.

The deposition of John Smith, of the City of Edmonton, in the Province of Alberta, labourer, taken before the undersigned William Smith, a Justice of the Peace in and for the said Province, this 1st day of January, 1916, at Edmonton aforesaid, in

the presence and hearing of John Jones, who stands charged that he did on or about the 3rd day of December, A.D. 1915, at Edmonton aforesaid, unlawfully steal two tons of hay, contrary to Statute in that behalf made and provided.

The said deponent saith on his oath as follows:

NOTE.—The deposition here follows in the first person thus: "I saw," etc., at such and such a place on such and such a day. The deposition should contain the full evidence, cross-examination and re-examination (if any) as well as the examination-in-chief. Any interruption by the accused should be taken down and may be evidence against him. All objections by the accused or complainant or their lawyers should be correctly noted. Only evidence which is clearly irrelevant or not admissible should be left out—all other evidence should be taken down. If the Justice has had doubt it should be taken down and left to a higher tribunal to deal with, all objections being carefully noted. The depositions must be read over and signed by the witnesess and the Justice, both of which acts must be performed in the presence of the accused. The witness is entitled to make any corrections before he signs. It is the best plan to put these alterations at the *foot* of the deposition, as they may amount to a contradiction or change of statement without the intention of correcting errors. These additions should be signed also.

The conclusion will be as follows:

"The deposition of John Smith, of the City of Edmonton, in the Province of Alberta, labourer, written on the several sheets of paper to the last (or each) of which my signature is annexed, were taken in the presence and hearing of John Jones and signed by the said John Smith respectively, in his presence.

In witness whereof, I have in the presence of the said John Smith and John Jones, signed my name.

Signed, "JOHN SMITH,"
(Deponent).
WILLIAM SMITH,
Justice of the Peace in and for the Province of Alberta.

7. *Irregularities.*—It is wrong to think that all irregularities can be amended by the Court. It is better to have a criminal case correctly dealt with in the first instance, rather than rely on the Court's powers of amendment. *Why?* Because section 1124 of the Criminal Code is very limited in its application. If the magistrate has done no more than return in case of conviction the form of conviction in a mere formal shape instead

of sending it up in the informal manner in which it was first drawn, and supposing that the facts as they really happened would warrant him in the return he has now made, the contrary of which is not imputed, it is not only legal but laudable in him to do as he has done, and he would have done wrong if he had acted otherwise.

8. *Charges.*—It is wrong to accept an information charging no offence. *Why Wrong?* Because to be a valid conviction there must have been a criminal offence committed. An example of this may be seen in Rex v. Chitnita, 27 W. L. R., p. 268, where the Justice accepted an information charging that the defendant did "neglect his wife," the intention being to charge him with an offence under section 242 (*a*) of the Code, "neglecting or refusing to provide necessaries for his wife and child under 16." The defendant pleaded guilty, but the Court would not allow an amended conviction, as the defendant had been charged merely with "neglecting his wife," which, of course, was not an offence against the statute. The Court regretted to make the Order quashing the conviction, as the material showed the defendant might have been guilty of an offence under section 242 (*a*) of the Criminal Code. It would have been right to accept an information charging an offence in the wording of the statute. In all cases it is advisable before accepting an information to look up the section of the act creating the offence and if it cannot be found then consult the Crown officers to ascertain what the law is and whether the facts (giving them) constitute a criminal offence.

9. *Previous Conviction.*—It is wrong to take into account a previous conviction of the accused without proof of the fact in open Court at the subsequent trial. It would have been right to have followed the procedure laid down respecting previous convictions contained in such Acts as the *Canada Temperance Act and the Liquor Acts* of the various provinces where a second conviction is being made under these Acts. Where, however, no such procedure is laid down in the Act itself, it is necessary that the prosecutor should allege and also prove the first conviction as part of the case before conviction of the subsequent offence. Rex v. Cruickshanks, 27 W. L. R. 759, as an alternative procedure. Where there is reference to a first offence the procedure laid down in Rex v. L'Hirondelle, 10 W. L. R., p. 837, might be followed.

10. *Full Defence.*—It is wrong to deny the defendant any right which he has to make full answer and defence. *Why*

Wrong. Because section 786 of the Criminal Code says that the person accused shall be allowed to make his full answer and defence and to have all witnesses examined and cross-examined by counsel or solicitor. It would have been right to give the defendant every privilege in this respect even though subject to objection.

11. *Evidence Wanting.*—It is wrong to convict on insufficient evidence. *Why Wrong.* To aovid a miscarriage of justice the evidence should clearly establish guilt of the accused. It might so happen that insufficient evidence might result in a want of jurisdiction which is always a ground for quashing a conviction. It would have been right if the defendant had been convicted on evidence which, "beyond a reasonable doubt," established the guilt of the accused.

12. *Jurisdiction.*—It is wrong to assume jurisdiction which the Justice does not possess. *Why Wrong?* Because it is fatal to any criminal proceedings and the accused can be immediately discharged on *habeas corpus.* It is right to correctly exercise the full jurisdiction which the law allows, as thereby expense of trials before higher tribunals can be avoided.

13. *Reasons for Errors.*—The errors of Justices usually arise out of (1) jurisdiction, and (2) forms. With regard to jurisdiction errors can only be prevented by strictly watching at the commencement of any criminal proceeding the information and complaint to see that the offence is drawn correctly. Some of the most absurd offences have been charged in the information and complaint without any foundation in law. A woman was charged with "maliciously cutting her own wire fence, whereby another person's stock strayed from their land and were killed by eating green oats and causing sickness to others." There have been many other informations drawn reciting facts without the least mention of any law or wording of the statute against which the offence was supposed to have been committed. The facts may constitute the evidence for an offence, but the offence itself must be legally described according to the statute which makes such an offence. Herein then lies one of the principal errors, namely that facts are recited as the offence whereas the offence should be recited first and then the facts should be examined to see whether they do in fact constitute the offence and are against the law. There are a good many acts and omissions which are not crimes and a Justice often falls into the

error of assuming that certain acts should be punished whether they are crimes or not, and on seeking for the offence, and finding none, quotes the facts as an offence, convicts the defendant, and then finds that there is no law to uphold the conviction. In other words he assumes jurisdiction which he does not possess.

With regard to forms, the wording of which are of course legal and technical, very little can be mentioned. A careful Justice always looks to see that the form he uses is the right one. For instance, where there are several forms of warrant of commitment, he will pick out the proper warrant. A warrant of commitment for imprisonment in the first instance is not the proper warrant to give where there is the option of a fine and the imprisonment is being given in default of payment. In the same way a warrant of commitment for trial is no use in summary conviction matters. In the Criminal Code there will be found in quite a number of sections reference to certain numbers by which forms are known and recognized. When these are to be seen the Justice should see that the form he is using corresponds with that number and where he is dealing with any matter under the section in which the form number appears he can always obtain this form on applying to the parties from whom his supplies came in the first instance.

CHAPTER VIII.

Dominion Statutes.

Principal Dominion Statutes, 1907-1919—

1. *Adulteration.*—Act, 1906 R. S. C., ch. 133, amended 1907, ch. 4; 1913, ch. 4; 1914, ch. 19; 1915, ch. 9.

2. *Animals Contagious Diseases.*—Act, 1906 R. S. C., ch. 75, amended, 1909, ch. 3; 1913, ch. 6; 1918, ch. 8.

3. *Banks.*—Act (Consolidated), 1913, ch. 9, affected by 1914 (2nd sess.), ch. 3, amended by 1915, ch. 1; 1916, ch. 10.

4. *Bills of Exchange.*—Act, 1906 R. S. C. 119, amended 1908, ch. 8; 1918, ch. 9.

5. *Business Profits Tax.*—Act, 1916, ch. 11, amended 1917, ch. 6; 1918, ch. 10.

6. *Canned Goods.*—Now dealt with under *Meat and Canned Foods Act,* 1907, ch. 27, as amended 1908, ch. 47; 1910, ch. 38; 1917, ch. 33; 1918, ch. 31.

7. *Carriage of Goods by Water.*—Act, 1910, ch. 61, as amended by 1911, ch. 27.

8. *Chinese Immigration.*—Act, 1906 R. S. C., ch. 95, as amended 1908, ch. 14; 1917, ch. 7.

9. *Cold Storage.*—Act, 1907, ch. 6, amended by 1909, ch. 8; 1914, ch. 22.

10. *Combines Investigation.*—Act, 1910, ch. 9.

11. *Commercial Feeding Stuffs.*—Act, 1909, ch. 15.

12. *Companies.*—Act, 1906 R. S. C., 79, as amended by 1908, ch. 16; 1914, ch. 23; 1917, ch. 25; 1918, ch. 13, 14.

13. *Copyright.*—Act, 1916, ch.

14. *Criminal Code.*—Act, 1906 R. S. C., ch. 146, as amended by 1907, ch. 7, 8, 9; 1908, ch. 10, 18; 1909, ch. 9, 33; 1910, ch. 10, 11; 1912, ch. 18, 19; 1913, ch. 13; 1914, ch. 24; 1915, ch. 12; 1917, ch. 13, 14, 26; 1918, ch. 16.

15. *Customs.*—Act, 1906 R. S C., ch. 48, as amended 1907, ch. 10; 1908, ch. 19; 1917, ch. 7; 1914, ch. 25; 1917, ch. 15.

16. *Customs and Fisheries.*—Act, 1906 R. S. C., ch. 47, as amended 1910, ch. 15; 1913, ch. 14.

17. *Dairy Industry.*—Act, 1914, ch. 7.

18. *Dominion Elections.*—Act, 1906 R. S. C., ch. 6, as

amended 1908, ch. 26; 1912, ch. 24; 1915, ch. 11, 114; 1917, ch. 34, 39, 35; 1918, ch. 20, 41, 47, 49.

19. *Dominion Parks.*—Act, 1911, ch. 10 (Consolidating), as amended by 1913, ch. 18; 1914, ch. 82; 1916, ch. 15; 1918, ch. 4.

20. *Electric Light Inspection.*—Act, 1907, ch. 14, consolidating.

21. *Electricity (Export).*—Act, 1907, ch. 16.

22. *Evidence.*—Act, R. S. C. 1906, ch. 145, as amended 1912, ch. 4; 1917, ch. 14.

23. *Explosives.*—Act, 1914, ch. 31.

24. *Extradition.*—Act, 1906 R. S. C., ch. 155, as amended by 1909, ch. 14.

25. *Fertilizers (Agricultural).*—Act, 1909, ch. 16.

26. *Fisheries.*—Act, 1906 R. S. C., ch. 45, as amended by 1910, ch. 20; 1911, ch. 9; 1912, ch. 23; 1914 (Consolidating), ch. 8; 1917, ch. 16; 1918, ch. 22.

27. *Fish Inspection.*—Act, 1914, ch. 45.

28. *Gas Inspection.*—Act, 1906, ch. 87, as amended 1910, ch. 23.

29. *Grain.*—Act, 1912 ch. 27, as amended 1913, ch. 21; 1914, ch. 33; 1915, ch. 10; 1916, ch. 6.

30. *Gold and Silver Marking.*—Act, 1913, ch. 19, as amended 1915, ch. 15; 1918, ch. 23.

31. *Immigration.*—Act, 1910, ch. 27 (Consolidating), as amended 1911, ch. 12; 1914, ch. 2; and affected by 1918, ch. 3.

32. *Indians.*—Act, 1906 R. S. C., ch. 81, as amended 1910, ch. 28; 1911, ch. 14, 24; 1914, ch. 35; 1916, ch 24; 1918, ch. 26.

33. *Industrial Disputes.*—Act, 1907, ch. 20, as amended 1910, ch. 29; 1918, ch. 27.

34. *Inland Revenue.*—Act, 1906 R. S. C., ch. 51, as amended by 1908, ch. 34; 1910, ch. 30; 1911, ch. 13; 1914, (2nd Sess.), ch. 6; 1915, ch. 17; 1918, ch. 28.

35. *Insects and Pests.*—Act, 1910, ch. 31.

36. *Inspection and Sale.*—Act, 1906 R. S. C., ch. 85, as amended by 1907, ch. 21; 1908, ch. 35, 36; 1911, ch. 15; 1912, ch. 27; 1913, ch. 21, 25; 1914, ch. 7, 10, 36, 45; 1918, ch. 29, 30.

37. *Insurance.*—Act, 1917, ch. 29 (Consolidating).

38. *Interpretation of Statutes.*—Act, 1906 R. S. C., ch. 1, as amended 1907, ch. 23, 45; 1913, ch. 50.

39. *Juvenile Delinquents.*—Act, 1908, ch. 40, as amended by 1912, ch. 30; 1914, ch. 39.

40. *Live Stock.*—Act, 1917, ch. 32 (Products); Act, 1912, ch. 31 (Pedigrees).

41. *Loan Companies.*—Act, 1914, ch. 40.

42. *Matches.*—Act, 1914, ch. 12, as amended 1916, ch. 4.

43. *Meat and Canned Foods.*—Act, 1907, ch. 27, as amended 1908, ch. 47; 1910, ch. 38; 1917, ch. 33; 1918, ch. 31.

44. *Military.—Service Act,* 1917, ch. 19; *Voters' Act,* 1917, ch. 34; *Militia Act,* 1906 R. S. C., ch. 41, as amended 1912, ch. 34; 1917, ch. 35, 19; *War Measures Act,* 1914 (2nd Sess.), ch. 2; *War Time Elections Act,* 1917, ch. 39, as amended 1918, ch. 47; *War Charities Act,* 1917, ch. 38.

45. *Milk Test.*—Act, 1910, ch. 59.

46. *Naturalization.*—Act, 1919 (new).

47. *Navigable Waters.*—Act, 1906 R. S. C. 115, as amended 1909, ch. 28; 1910, ch. 44; 1918, ch. 33.

48. *N. W. T. Game.*—Act, 1917, ch. 36 (Consolidation).

49. *Opium and Drugs.*—Act, 1911, ch 17 (Consolidation).

50. *Parcel Post.*—Act, 1913, ch. 35.

51. *Petroleum and Naphtha.*—Act, 1906 R. S. C., ch. 86, as amended 1913, ch. 87.

52. *Post Office.*—Act, 1906 R. S. C., ch. 66, as amended 1907, ch. 34; 1908, ch. 53; 1909, ch. 29, 30; 1910, ch. 47; 1911, ch. 19, 20; 1912, ch. 16, 41; 1913, ch. 38, 35.

53. *Prisons and Reformatories.*—Act, 1906 R. S. C., ch. 148, as amended by 1908, ch. 55; 1910, ch. 48; 1912, ch. 43; 1913, ch. 39; 1914, ch. 14; 1916, ch. 21.

54. *Proprietary and Patent Medicines.*—Act, 1908, ch. 56, as affected by 1917, ch. 30.

55. *Secret Commissions.*—Act, 1909, ch. 33.

56. *Seed Control.*—Act, 1911, ch. 23 (Consolidation).

57. *Shipping.*—Act, 1906, R. S. C., ch. 113, as amended 1907, ch. 46, 47; 1908, ch. 64, 65; 1909, ch. 34; 1910, ch. 61; 1911, ch, 27; 1912, ch. 51; 1913, ch. 49; 1914, ch. 13, 48, 49; 1916, ch. 12 13.

58. *Statistics.*—Act, 1918, ch. 43.

59. *Telegraphs.*—Generally, 1906 R. S. C., ch. 126, as amended by 1908, ch. 12; 1910, ch. 55, 56, 57; 1913, ch. 43, 52; News from Great Britain, 1908, ch. 12, as amended 1910, ch. 7; Ocean, 1913, ch. 52, as amended by 1917, ch. 10.

60. *Temperance.*—Act, 1906 R. S. C., ch. 152, as amended 1908, ch. 71; 1910, ch. 58; 1914, ch. 53; 1916, ch. 14; 1917, ch. 30.

61. *Tobacco.*—Used by minors, Act, 1908, ch. 73.

62. *Trust Companies.*—Act, 1914, ch. 55.

63. *War.—Charities Act,* 1917, ch. 38; *Measures Act,* 1914 (2nd Sess.), ch. 2; *Military Service Act,* 1917, ch. 19; *Military Voters' Act,* 1917, ch. 34; *Militia Act,* 1906, R. S. C. ch. 41, as amended 1912, ch. 34; 1917, ch. 35, 19.

64. *Weights and Measures.*—Act, 1906, ch. 52, as amended 1914, ch. 4.

65. *Copies.*—Where the revised Statutes are unavailable, the Justice can obtain separate copies of the more general Acts from the King's Printer at Ottawa; and where the Justice is continually dealing with subjects regulated by Dominion law, it would be well to obtain a copy of the Acts together with the regulations and orders-in-council passed under the same.

66. *Enforcement.*—The Dominion Government appoints certain officers to enforce laws regarding immigration, employment agencies, fisheries, inland revenue, weights and measures, etc. Where such subjects come under the consideration of the Justice, he should obtain from these officials copies of the latest Acts and regulations, as they will from time to time make application to the Justice for the issue of summons on informations that are laid under these Statutes.

CHAPTER IX.

Dominion Orders-in-Council.

1. *Rules and Regulations.*—There will be found in a good many of the statutes of Canada a provision enabling the Governor-in-Council to pass rules and regulations for carrying into effect the provisions of the Act to which they refer. It is obvious that it is impossibde to provide for all contingencies in the statute and so this authority is given to supplement the statute by rules and regulations which have just the same force as the statute itself. Usually they are published in the *Canada Gazette* so that the public may have notice of their provisions. In addition to these rules and regulations there are departmental regulations made by the Minister of a certain department, *e.g.*, customs, dealing with departmental practice. These are authorized by the Act dealing with the subject matter of the regulation, and although not always to be found in the *Canada Gazette*, those affecting the public can be ascertained from the various departments concerned.

2. *List.*—It is practically impossible to give a list of the various Orders-in-Council which have been issued under Dominion Statutes. No official list, so far as is known, is issued to the public. The only way in which accurate information can be obtained on any particular subject is to write to the department concerned for the latest Orders-in-Council with all amendments. These are gladly supplied to officials and others concerned in the administration of the criminal law. The references in the *Canada Gazette* to a few of the more recent Orders-in-Council are given for the information of those interested, but this list must not be taken as complete and the reader is strongly advised to write to the various departments concerned and obtain accurate and first hand information.

Air Traffic—

1. *Flying Over Cities and Towns.*—Order-in-Council, 7th July, 1919. Canada Gazette, Vol. liii., p. 184.

Alien Enemies—

1. *Naturalization During the War.*—Order-in-Council, 20th October, 1917. Canada Gazette, Vol. li., p. 1691.

2. *Travel Regulations.*—Order-in-Council, 5th August, 1918. Canada Gazette, Vol. lii., p. 673.

3. *Landing in Canada Prohibited.*—Order-in-Council, 9th June, 1919. Canada Gazette, Vol. lii., p. 3825.

4. *Internment by Judges' Order.*—Order-in-Council, 14th February, 1919. Canada Gazette, Vol. lii., p. 2587.

Alien Labour—

1. *Importation into British Columbia.*—Order-in-Council, 18th May, 1918. Canada Gazette, Vol. li., p. 4473.

Anthrax—*See* QUARANTINE.

Apples—

1. *Evaporated.*—Order-in-Council, 15th June, 1918. Canada Gazette, Vol. li. (Extra), 22nd June, 1918. See also Canada Gazette, Vol. xlix., p. 3118.

Apricots—

1. *Canned.*—Order-in-Council, 15th June, 1918. Canada Gazette, Vol. li. (Extra, 22nd June, 1918).

Arsenic—

1. *Use in Food.*—See Canada Gazette, Vol. xlvi., p. 1411.

Attestation Papers—

1. *False Statements.*—P. C., 1257. Order-in-Council, 8th May, 1917. Canada Gazette, Vol. l., p. 4063.

Baking Powder—

1. *Standard of Quality.*—See Canada Gazette, Vol. lii., p. 439.

Beets—

1. *Canned.*—Order-in-Council, 15th June, 1918. Canada Gazette, Vol. li. (Extra, 22nd June, 1918).

Beverages and Fruit Juices—

1. *Standard of Quality.*—Canada Gazette, Vol. xliv., p. 2596.

Bran—

1. *Standard of Quality.*—Order-in-Council, 3rd December, 1917. Canada Gazette, Vol. li., p. 2027.

Buckwheat Flour—

1. *Standard of Quality.*—Order-in-Council, 3rd December, 1917. Canada Gazette, Vol. li., p. 2027.

Buildings—

1. *Election in Dominion Parks.*—Order-in-Council, 27th November, 1913. Canada Gazette, Vol. xlvii., p. 1861.

Butter—

1. *Fruit Butter in Cans.*—Order-in-Council, 15th June, 1918. Canada Gazette, Vol. li. (Extra, 22nd June, 1918).

2. *Oleomargarine.—See* DAIRY PRODUCTS.

3. *Manufacture and Sale.*—Order-in-Council, 10th August, 1918. Canada Gazette, Vol. lii., p. 751.

Canned Foods—

1. *General Regulations Governing Inspection of Preserved Fruits, Vegetables and Milk.*—Order-in-Council, 15th June, 1918. Canada Gazette, Vol. li. (Extra, 22nd June, 1918).

2. *Peas.—See* CANNED PEAS.

3. *Fruit Butter.—See* BUTTER.

4. *Canning Regulations.*—Order-in-Council, 15th June, 1918. Canada Gazette, Vol. li. (Extra, 22nd June, 1918).

Canned Peas—

1. *Standard of Quality.*—See Canada Gazette, Vol. xlvi., p. 1304.

2. *Canning Regulations.*—Order-in-Council, 15th June, 1918. Canada Gazette, Vol. li. (Extra, 22nd June, 1918).

Cattle—

1. *Quarantine.—See* QUARANTINE.

2. *Importation.—See* QUARANTINE.

3. *Tubercular.—See* QUARANTINE.

Cherries—

1. *Canned.*—Order-in-Council 15th June, 1918. Canada Gazette, Vol. li. (Extra, 22nd June, 1918).

Cheese—

1. *Manufacture and Sale.*—Order-in-Council 10th August, 1918. Canada Gazette, Vol. lii., p. 751.

Chop Feed—

1. *Standard of Quality.*—Order-in-Council, 3rd December, 1917. Canada Gazette, Vol. li., p. 2027.

Cloves—

1. *Standard of Quality.*—Order-in-Council 12th May, 1919. Canada Gazette, vol. lii., p. 3624.

Colouring Matter—

1. *Use in Food.*—See Canada Gazette, Vol. xlviii., p. 2276.
2. *Standard of Quality.*—See Canada Gazette, Vol. l., p. 3746.

Concealed Weapons—

1. *Carrying in Dominion Parks.*—Order-in-Council, 24th April, 1915. Canada Gazette, Vol. xlviii., p. 3509.
2. *Sale and Traffic in Dominion Parks.*—Order-in-Council, 24th April, 1915. Canada Gazette, Vol. xlviii., p. 3509.

Contagous Diseases—

1. *Cattle.—See* QUARANTINE.

Cold Storage—

1. *General Regulations.*—Order-in-Council, 11th March, 1910. Canada Gazette, Vol. xliii., p. 2855, and Dominion Statutes, 1910, p. xci. Amending Orders:—

O. C., 20th June, 1914. Canada Gazette, Vol. xlviii., p. 5.

Corn—

1. *Canned.*—Order-in-Council, 15th June, 1918. Canada Gazette, Vol. li. (Extra, 22nd June, 1918).

Corn Starch—

1. *Standard of Quality.*—Order-in-Council, 3rd December, 1917. Canada Gazette, Vol. li., p. 2027.

Cocaine—

1. *Import and Export Prohibited as War Measure.*—Order-in-Council, 14th May, 1919. Canada Gazette, Vol. lii., p. 3687.

Criminal Code—

1. *Section 432.*—Order-in-Council, 3rd September, 1918, affecting section 432 of Criminal Code. Canada Gazette, Vol. lii., p. 1012.
2. *Section 749.*—Order-in-Council, 12th September, 1918, applying section 749 of Criminal Code to war measures. Canada Gazette, Vol. lii, p. 1191.
3. *Section 1142.*—Order-in-Council, 28th September, 1918, preventing application of section 1142 of Criminal Code to prosecutions under War Measures Act. Canada Gazette, Vol. lii, p. 1369.

Customs—

1. *Transportation and Storing of Goods Imported by Express.*—Order-in-Council, 27th December, 1917. Canada Gazette, Vol. li., p. 2401.

Customs and Fishery Protection—

1. *United States Vessels Entering Atlantic Ports for Supplies.*—Order-in-Council, 26th December, 1917. Canada Gazette, Vol. li., p. 2315.

Dairy Industry—

1. *General Regulations.*—Order-in-Council, 10th August, 1918. Canada Gazette, Vol. lii. p. 751.

2. *Oleomargarine.*—*See* OLEOMARGARINE.

Dominion Parks—

1. *Arrest of Offenders,* 1910, Dom. Stat., p. cxxii.

2. *Buildings and Fences,* 1910, Dom. Stat., p. cxiv.; 1913, Dom. Stat., p. lxxvii.

3. *Circuses,* 1910, Dom. Stat., p. cxviii.

4. *Dog Licenses,* 1910, Dom. Stat., p. cxviii.

5. *Disorderly Persons,* 1910, Dom. Stat., p. cxvi.

6. *Displaying Advertisements,* 1910, Dom. Stat., p. cxiv.

7. *Damaging Property,* 1910, Dom. Stat., p. cxiv.; 1916, Dom. Stat., p. clxxvii.

8. *Defacing Property,* 1910, Dom. Stat., p. cxiv.; 1916, Dom. Stat., p. clxxvii.

9. *Explosives kept in Park,* 1916, Dom. Stat., p. clxxvii.

10. *Eviction from Park,* 1911, Dom. Stat., p. lxxxix.

11. *Earth Closets,* 1911, Dom. Stat., p. lxxxix.

12. *Fires,* general regulations, 1916, Dom Stat., p. clxxvi; fighting forest fires, 1916, Dom. Stat., p. clxxvi.; setting out fires, 1916, Dom. Stat., p. clxxvi.; forest fires, 1916, Dom. Stat., p. clxix.

13. *Forest Fires,* 1916, Dom. Stat., p. clxix.

14. *Furious Driving,* 1910, Dom. Stat., p. cxix.

15. *Fishing,* limits of catch, 1910, Dom. Stat., p. cxx; use of nets, 1910, Dom. Stat., p. cxx; close seasons, 1919, Dom. Stat., p. cxxxvii.

16. *Firearms,* 1910, Dom. Stat., p. cxxi.; 1916, Dom. Stat., p. clxxviii.

17. *General Regulations,* 1910, Dom. Stat., p. cxiv.; 1912, Dom. Stat., p. cxxxv.; 1916, Dom. Stat., p. clxxvi.

18. *Guides,* 1910, Dom. Stat., p. cxviii.; 1916, Dom. Stat., p. clxxvii.

19. *Game,* 1910, Dom. Stat., p. cxx.
20. *Games of Chance,* 1910, Dom. Stat., p. cxxi.
21. *Gambling,* 1910, Dom. Stat., p. cxxi.
22. *Gasoline Storage,* 1916, Dom. Stat., p. clxxvi.
23. *Hot Springs,* 1910, Dom. Stat., p. cxvii.
24. *Hawkers and Pedlars,* 1910, Dom. Stat., p. cxviii.
25. *Intoxicating Liquors,* 1910, Dom. Stat., p. cxix.
26. *Ice-cutting in Park Streams,* 1917, Dom. Stat., pp. cliii. cliv.
27. *Inspection of Vehicles,* 1910, Dom. Stat., p. cxx.
28. *Indecent Bathing,* 1910, Dom. Stat., p. cxxii.
29. *Laying out Sites,* 1910, Dom. Stat., p. cxiv.
30. *Licenses, generally,* 1910, Dom. Stat., p. cxviii.; dogs, 1910, Dom. Stat., p. cxviii.; guides, 1910, Dom. Stat., p. cxviii.; pedlars, 1910, Dom. Stat., p. cxviii.; business premises, 1910, Dom. Stat., p. cxviii.; pool rooms, 1910, Dom. Stat., p. cxviii.; moving picture houses, 1913, Dom. Stat., p. lxxvii.
31. *Livery Stables,* 1910, Dom. Stat., p. cxix.
32. *Motor Vehicles,* general regulations, 1919, Can. Gazette, p. 196 (see page 257).
33. *Mining,* 1910, Dom. Stat. p. cxvii.; 1917, Dom. Stat. p. cliii.
34. *Moieties,* 1910, Dom. Stat., p. cxxii.
35. *Moving Picture Theatres,* 1913, Dom. Stat., p. lxxvii.
36. *Nuisances, disposition of refuse,* 1910, Dom. Stat., p. cxvi.; obstructing foot passengers, 1910, Dom. Stat., p. cxvi.; offensive businesses, 1910, Dom. Stat., p. cxvi.
37. *Pasturage and Hay,* 1910, Dom. Stat., p. cxvi.
38. *Pines, Beaver Hills, and Moose Mountain Reserves,* 1912, Dom. Stat., p. cxl.
39. *Prosecutions,* 1910, Dom. Stat.. p. cxxii.
40. *Questioning Persons Found in Park,* 1916, Dom. Stat., p. clxxvii.
41. *Residence in Park,* 1910, Dom. Stat., p. cxiv.
42. *Riding on Sidewalks,* 1916, Dom. Stat., p. clxix.
43. *Removal of Snow from Sidewalks,* 1910, Dom. Stat., p. cxxi.
44. *Setting out Fires,* 1916, Dom. Stat., p. clxxvi.
45. *Sidewalks, snow by-law,* 1910, Dom. Stat., p. cxxi; riding on, 1916, Dom. Stat., p. clxix.
46. *Stone, Sand and Gravel,* 1917, Dom. Stat., p. cliii.
47. *Sleigh Bells,* 1910, Dom. Stat., p. cxix.

48. *Searching Gambling and Liquor Dives,* 1910, Dom. Stat., p. cxxii.

49. *Sewage Systems,* 1911, Dom. Stat., p. lxxxix.

50. *Sale of Bread,* 1910, Dom. Stat., p. cxxi.

51. *Tourist Complaints,* 1910, Dom. Stat., p. cxxii.

52. *Wardens,* 1916, Dom. Stat., p. clxxv.

Eggs—

1. *Grading and Marking for Export.*—Order-in-Council, 5th April, 1918. Canada Gazette, Vol. li. (Extra, 18th April, 1918), p. 3670.

2. *Export Regulations.*—Order-in-Council, 5th April, 1918. Canada Gazette, Vol. li. (Extra, 18th April, 1918), p. 3670.

Electricity—

1. *Tariff for Verifying Meters.*—Order-in-Council, 15th November, 1915. Canada Gazette, Vol. xlix., p. 1666.

2. *Inspectors' Division.*—Order-in-Council, 3rd December, 1917. Canada Gazette, Vol. li., p. 4372, and see also Order-in-Council, 5th August, 1918. Canada Gazette, Vol. lii., p. 661.

Employment Agencies—

1. *Co-Ordination Between Dominion and Provincial Governments.*—Order-in-Council, 17th December, 1918. Canada Gazette, Vol. lii., p. 2100.

Evaporated Apples—

1. *General Regulations Governing Inspection and Manufacture.*—Order-in-Council, 15th June, 1918. Canada Gazette, Vol. li. (Extra, 22nd June, 1918).

2. *Standards of Quality.*—See Canada Gazette, Vol. xlix., p. 3118.

Fertilizers—

1. *Conversion of Fish into Fertilizer.*—Notice under sec. 43 of the *Fisheries Act,* 1914. See Canada Gazette, Vol. xlviii., p. 4110.

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Order-in-Council, 21st July, 1908. Canada Gazette, Vol. l., p. 3484.

Fire Guards—

1. *Homestead.*—Order-in-Council, 7th May, 1918. Canada Gazette, Vol. li., p. 4029.

Fish—

1. *Conversion into Fertiliser.*—Notice under sec. 43 of the Fisheries Act, 1914. Canada Gazette, Vol. xlviii., p. 4110.

2. *Canneries' Inspection and Regulation.*—Order-in-Council, 9th October, 1917. Canada Gazette, Vol. li., pp. 1497-8.

3. *Shellfish Canneries.*—Order-in-Council, 9th October, 1917. Canada Gazette, Vol. li., p. 1498.

4. *Returned Soldiers Practising Salmon Fishing.*—Order-in-Council, 24th April, 1919. See Canada Gazette, Vol. lii., p. 3529; Order-in-Council, 19th May, 1919, at p. 3766.

Fish Inspection—

1. *Canneries.*—Order-in-Council, 9th October, 1917. Canada Gazette, Vol. li., pp. 1497-8.

2. *Barrels, Construction and Capacity.*—Order-in-Council, 13th August, 1914. (Canada Gazette, Supp. 29th August, 1914). Amending orders: —

Order-in-Council, 2nd June, 1915. Canada Gazette, Vol. xlviii., p. 3956.

Fisheries and Fishing—

1. *General Regulations.*—Order-in-Council, 9th February, 1915. Canada Gazette, Extra, 20th February, 1915. Amending orders:—

Order-in-Council, 7th April, 1915. Canada Gazette, Vol. xlviii., p. 3239.

Order-in-Council, 17th April, 1915. Canada Gazette, Vol. xlviii., p. 3334.

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Order-in-Council, 10th June, 1915. Canada Gazette, Vol. xlviii., p. 4039.

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Order-in-Council, 11th November, 1915. Canada Gazette, Vol. xlix., p. 1969.

Consolidation. Canada Gazette, Vol. li., Supp. 22nd December, 1917.

2. *Alberta and Saskatchewan.*—Order-in-Council, 9th February, 1915. (Canada Gazette, Supp., 20th February, 1915). Amending orders:—

Order-in-Council, 16th December, 1915. Canada Gazette, Vol. xlix., p. 1969.

Order-in-Council, 9th May, 1916. Canada Gazette, Vol. xlix., p. 3869.

Order-in-Council, 27th April, 1917. Canada Gazette, Vol. l., p. 3874.

Order-in-Council, 21st May, 1917. Canada Gazette, Vol. l., p. 4250.

Order-in-Council, 12th June, 1917. Canada Gazette, Vol. l., p. 4510.

Order-in-Council, 29th November, 1917. Canada Gazette, Vol. li., p. 2044.

Consolidation. Canada Gazette, Supp., 22nd December, 1917.

Order-in-Council, 17th October, 1918. Canada Gazette, Vol. lii., p. 1614.

Order-in-Council, 9th July, 1919. Canada Gazette, Vol. Vol. liii., p. 184.

Order-in-Council, 19th May, 1919. Canada Gazette, Vol. lii., p. 3761.

3. *British Columbia.*—Order-in-Council, 9th February, 1915. (Canada Gazette, Supp 20th February, 1915). Amending orders:—

Order-in-Council, 10th June, 1915. Canada Gazette, Vol. xlviii., p. 4039.

Order-in-Council, 4th May. 1916. Canada Gazette, Vol. xlix., p. 3780.

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Order-in-Council, 11th October, 1917. Canada Gazette, Vol. li., p. 1340.

Order-in-Council, 3rd November, 1917. Canada Gazette, Vol. li., p. 1728.

Order-in-Council, 10th November, 1917. Canada Gazette, Vol. li., p. 1727.

Order-in-Council, 5th January, 1918. Canada Gazette, Vol. li., p. 2401.

Order-in-Council, 28th February, 1918. Canada Gazette, Vol. li., pp. 3216, 3247.

Order-in-Council, 30th March, 1917. Canada Gazette, Vol. l. p. 3582.

Order-in-Council, 12th September, 1918. Canada Gazette, Vol. lii., p. 1190.

Order-in-Council, 15th June, 1918. Canada Gazette, Vol. li., p. 4546.

Order-in-Council, 19th March, 1919. Canada Gazette, Vol. lii., p. 2932.

Order-in-Council, 5th March, 1919. Canada Gazette, Vol. lii., p. 2772.

4. *Manitoba.*—General Order, 9th February, 1915. (Canada Gazette, Supp. 20th February, 1915). Amending orders:—

Order-in-Council, 19th June, 1915. Canada Gazette, Vol. xlviii., p. 4098.

Order-in-Council, 16th December, 1915. Canada Gazette, Vol. xlix., p. 1969.

Order-in-Council, 29th November, 1917. Canada Gazette, Vol. li., p. 2044.

Consolidation. Canada Gazette, Vol. li., (Supp. 22nd December, 1917).

Order-in-Council, 17th October, 1918. Canada Gazette, Vol. lii., p. 1615.

Order-in-Council, 9th July, 1919. Canada Gazette, Vol. liii., p. 184.

Order-in-Council, 19th May, 1919. Canada Gazette, Vol. lii., p. 3761.

5. *New Brunswick.*—General Order, 9th February, 1915. (Canada Gazette, Supp., 20th February, 1915). Amending orders:—

Order-in-Council, 11th November, 1915. Canada Gazette, Vol. xlix., p. 1575.

Consolidation. Canada Gazette, Supp., 22nd December, 1917.

Order-in-Council, 2nd April, 1918. Canada Gazette, Vol. li., p. 3437.

Order-in-Council, 30th September, 1918. Canada Gazette, Vol. lii., p. 1522.

6. *Nova Scotia.*—General Order, 9th February, 1915. (Canada Gazette, Vol. xlviii., p. 4098). Amending orders:—

Order-in-Council, 19th June, 1915. Canada Gazette, Vol. xlviii., p. 4098.

Order-in-Council, 15th July, 1916. Canada Gazette, Vol. l., p. 368.

Order-in-Council, 28th April, 1917. Canada Gazette, Vol. l., p. 3873.

Consolidation. Canada Gazette, Vol. li., p. Supp. 22nd December, 1917.

Order-in-Council, 2nd April, 1918. Canada Gazette, Vol. li., p. 3560.

Order-in-Council, 30th September, 1918. Canada Gazette, Vol. lii., p. 1522.

7. *Ontario.*—General Order, 29th October, 1915. Canada Gazette, Vol. xlix., p. 1480. Amending orders:—

Order-in-Council, 13th May, 1916. Canada Gazette, Vol. xlix., p. 3869.

Order-in-Council, 23rd September, 1916. Canada Gazette, Vol. l., p. 1148.

Order-in-Council, 11th October, 1916. Canada Gazette, Vol. l., p. 1324.

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Order-in-Council, 13th October, 1917. Canada Gazette, Vol. li., p. 1415.

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Order-in-Council, 22nd March, 1918. Canada Gazette, Vol. li., p. 3437.

Order-in-Council, 6th July, 1918. Canada Gazette, Vol. lii., p. 336.

Order-in-Council, 5th May, 1919. Canada Gazette, Vol. lii., p. 3532.

Order-in-Council, 12th March, 1919. Canada Gazette, Vol. lii., p. 2830.

8. *Prince Edward Island.*—General Order (Consolidation). Canada Gazette, Vol. li., Supp. 22nd December, 1917. Amending orders:—

Order-in-Council, 23rd April, 1918. Canada Gazette, Vol. li., p. 3842.

Order-in-Council, 30th September, 1918. Canada Gazette, Vol. lii., p. 1522.

9. *Quebec.*—General order 28th January, 1915. Canada Gazette, Vol. xlviii., p. 2437. Amending orders:—

Order-in-Council, 11th June, 1917. Canada Gazette, Vol. l., p. 4510.

10. *Yukon.*—Certain amending orders will be found in Canada Gazette, vol. l., p. 4431.

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1. *Standard of Quality.* — *See* ORDER-IN-COUNCIL. 31st March, 1917. Canada Gazette, Vol. l., p. 3574.

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1. *Standards of Quality.*—Order-in-Council, 3rd December, 1917. Canada Gazette, Vol. li., p. 2027.

2. *Graham Flour.*—*See* GRAHAM FLOUR.

3. *Gluten Flour.*—*See* GLUTEN FLOUR.

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1. *Combines.*—Order-in-Council, 11th December, 1918. Canada Gazette, Vol. lii., p. 2044.

2. *Prices Inquire Regulations.*—Order-in-Council, 11th December, 1918. Canada Gazette, Vol. lii., p. 2044.

3. *Flavouring Extracts.*—*See* CANADA GAZETTE, Vol. l., p. 3574.

4. *Canned.*—*See* CANNED FOODS.

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1. *General Regulations.*—Order-in-Council, 6th June, 1911. *See* CANADA GAZETTE, Vol. xliv., p. 4268. See also order of 24th September, 1913, and amending order, 26th March, 1918. Canada Gazette, Vol. li., p. 3557.

2. *Protection of Game in Certain Forestry.*—Order-in-Council, 6th June, 1911. Canada Gazette, Vol. xliv., p. 4274.

3. *Reservoir Sites.*—Order-in-Council, 6th June, 1911. Canada Gazette, Vol. xliv., p. 4268.

4. *Special Regulations Respecting Fishing in B. C., Forest Waters.*—*See* CANADA GAZETTE, Vol. li., p. 3247.

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1. *Inspection Before Importation from Hawaiian Islands.*—Order-in-Council, 11th February, 1918. *Vide* CANADA GAZETTE, Vol. li., p. 2855.

Fruit and Fruit Products—

1. *Standards of Quality.*—Canada Gazette, Vol. xlvi., p. 1303 and Vol. xlvii., p. 734.

2. *Fruit Butter.*—*See* BUTTER.

3. *Fruit Juices.*—*See* BEVERAGES AND FRUIT JUICES.

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1. *Dominion Parks and Forests.*—Order-in-Council, 6th June, 1911. Canada Gazette, Vol. xliv., p. 4274. *See also under* DOMINION PARKS.

2. *North-West Territories.*—Order-in-Council, 1st May, 1918. Canada Gazette, Vol. li., p. 4029.

Gas—

1. *Tariff for Verifying Meters.*—Order-in-Council, 11th October, 1916. Canada Gazette, Vol. l., p. 1315.

2. *Supervisory Inspectoral Districts.*—Order-in-Council, 3rd December, 1917. Canada Gazette, Vol. li., p. 4373.

Gluten Flour—

1. *Standard of Quality.*—Order-in-Council, 3rd December, 1917. Canada Gazette, Vol. li., p. 2027.

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1. *Standards of Quality.*—*See* CANADA GAZETTE, Vol. xlvi., p. 4130.

Government Stores—

1. *Government Marks Added to Section 432 Code.*—Order-in-Council, 3rd September, 1918. Canada Gazette, Vol. lii., p. 1012.

Grain Products—

1. *Standard of Quality.*—*See* CANADA GAZETTE, Vol. li., p. 2027.

Graham Flour—

1. *Standard of Quality.*—*See* ORDER-IN-COUNCIL, 3rd December, 1917. Canada Gazette, Vol. li., p. 2027.

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1. *Standard of Quality.*—*See* CANADA GAZETTE. Vol. xlvi., p. 1303.

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1. *Dominion Park Ice Cutting Regulations.* — Order-in-

Council, 29th June, 1916. Canada Gazette, Vol. l., p. 170. Amending orders:—

Order-in-Council, 24th October, 1916. Canada Gazette, Vol. l., p. 1479.

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1. *Alien Enemies Landing in Canada.*—Order-in-Council, 9th June, 1919. Canada Gazette, Vol. lii., p. 3825.

Insects and Pests—

1. *General Regulations.*—Order-in-Council, 17th July, 1917. *See* DOMINION STATUTES, 1918, p. lxxx. Amending orders:—

Order-in-Council, 5th August, 1918. Canada Gazette, Vol. lii., p. 1560.

Order-in-Council, 19th May, 1919. Canada Gazette, Vol. lii., p. 3683.

Order-in-Council, 19th April, 1919. Canada Gazette, Vol. lii., p. 3367.

Order-in-Council, 4th April, 1919. Canada Gazette, Vol. lii., p. 3087.

Order-in-Council, 3rd March, 1919. Canada Gazette, Vol. lii., p. 2830.

2. *Importing Currant and Gooseberry Bushes.*—Order-in-Council, 6th June, 1918. Canada Gazette, Vol. li., p. 4457, and *see* ORDER-IN-COUNCIL, 4th April, 1919. Canada Gazette, Vol. lii., p. 3179.

3. *Inspection of Plants Imported from Hawaiian Islands.*—Order-in-Council, 11th February, 1918, Vol. li., p. 2855.

Industrial Disputes—

1. *Government Statement on Labour Policy.* — Order-in-Council, 11th July, 1918. Canada Gazette, Vol. lii., p. 455.

Inland Revenue—

1. *Divisions Changed.*—Order-in-Council, 9th August, 1919. Canada Gazette, Vol. liii., p. 460.

Intoxicating Liquors—

1. *Sale to Soldiers in Uniform.*—Order-in-Council, 8th February, 1919. Canada Gazette, Vol. lii., p. 2767.

2. *Interprovincial Traffic.*—Order-in-Council, 24th February, 1919. Canada Gazette, Vol. lii., p. 2660.

Jam, Jelly and Marmalade—

1. *Canned.*—Order-in-Council, 15th June, 1918. Canada Gazette, Vol. li. (Extra, 22nd June, 1918).

Labour—

1. *Government Policy.*—Order-in-Council, 11th July, 1918. Canada Gazette, Vol. lii., p. 455.

2. *Industrial Disputes.*—*See* INDUSTRIAL DISPUTES.

Lard—

1. *Standard of Quality.*—*See* CANADA GAZETTE, Vol. xliv., p. 1206; Vol. xlvi., p. 1304.

Live Stock Products—

1. *Eggs, Grading and Making for Export.*—Order-in-Council, 5th April, 1918. Canada Gazette. Extra, 18th April, 1918.

Lime Juices—

1. *Standard of Quality.*—*See* CANADA GAZETTE, Vol. xlviii., p. 2432.

Lime Fruit Juices—

1. *Standard of Quality.*—*See* CANADA GAZETTE, Vol. xlviii., p. 2432.

Maple Sugar—

1. *Standard of Quality.*—*See* CANADA GAZETTE, Vol. xlv., p. 1706. *See also* ADULTERATION (*Amendment*) *Act*, 1914, ch. 19, sec. 4, and the *Adulteration Act*, R. S. C. 1906, ch. 133, sec. 4.

Maple Syrup—

1. *Standard of Quality.*—*See* CANADA GAZETTE, Vol. xlv., p. 1706.

Maladie du Coit—*See* QUARANTINE.

Mange—*See* QUARANTINE.

Marmalade—

1. *Canned.*—*See* JAM.

Marks—

1. *Government Stores.*—Order-in-Council, 3rd September, 1918, adding new marks to Code, sec. 432. Canada Gazette, Vol. lii., p. 1012.

Meat and Meat Products—

1. *Standard of Quality.*—Order-in-Council, 14th October, 1910. Canada Gazette, Vol. xliv., p. 1206.

Members of Parliament—

1. *List of Dominion Members.—See* CANADA GAZETTE. Extra, March 16th, 1918.

Migratory Birds—

1. *General Regulations.*—Order-in-Council, 23rd April, 1918. Canada Gazette, Vol. li., p. 3851.

Milk and Milk Products—

1. *General Regulations.*—Order-in-Council, 10th August, 1918. Canada Gazette, Vol. lii., p. 751.

2. *Standard of Quality.—See* CANADA GAZETTE, Vol. xliv., p. 1432.

3. *Condensed and Evaporated Milk.*—Order-in-Council, 15th June, 1918. Canada Gazette, Vol. li., (Extra, 22nd June, 1918),

Motor Vehicles—

1. *Dominion Park Regulations.*—Order-in-Council, 18th June, 1919. *See* CANADA GAZETTE, Vol. liii., p. 186.

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CHAPTER X.

CRIMES AND OFFENCES.

UNDER THE LAWS OF THE DOMINION OF CANADA, TOGETHER WITH THE PENALTIES WHICH CAN BE IMPOSED THEREFOR AND THE PROCEDURE FOR RECEIVING THE SAME AS EXISTING 1ST JANUARY, 1920.

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A.

Abduction—

1. *Abduction of Child.—Statute:* Criminal Code, sec. 316. *Offence:* Any person with intent to deprive any parent or guardian of any child under the age of 14 years of the possession of such child, or, with intent to steal any article, about or on, the person of, such child, unlawfully taking or enticing away or detaining any such child, or, receiving or harbouring any such child knowing it to have been unlawfully taken or enticed away or detained with intent aforesaid. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Abduction of Woman.—Statute:* Criminal Code, sec. 313. *Offence:* Any person, against the will of any woman, takes away or detains such woman, of whatever age, and whether married or not, with intent to marry or carnally know such woman or to cause her to be married or carnally known by any other person. *Prosecution:* On indictment. *Penalty:* 10 years.

3. *Abduction of Heiress.—Statute:* Criminal Code, sec. 314. *Offence:* Any person, with intent to marry or carnally know any woman, or with intent to cause any woman to be married or carnally known by any other person, such woman having any interest, legal or equitable, present or future, absolute, conditional, or contingent, in any real or personal estate, or being a presumptive heiress or co-heiress, or presumptive next of kin, to any one having such an interest:—(*a*) From motives of lucre, takes away or detains such woman against her will, whatever the age of such woman; (*b*) fraudulently allures, takes away or detains such woman out of the possession, and against the will of her father or mother, or other person having the lawful care or charge of her, such woman being under the age of 21 years. *Prosecution:* On indictment. *Penalty:* 14 years.

4. *Abduction of Girl Under 16.—Statute:* Criminal Code, sec. 315. *Offence:* Any person, unlawfully taking, or causing to be taken any unmarried girl who is under the age of 16 years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her. *Prosecution:* On indictment. *Penalty:* 5 years.

Abortion—

1. *Attempting to Procure Abortion.—Statute:* Criminal Code, sec. 303. *Offence:* Any person, who, with intent to procure the miscarriage of any woman whether she is or is not with child, unlawfully administers to her, or causes to be taken by her, any drug, or other noxious thing, or unlawfully uses on her, any instrument, or other means whatsoever, with the like intent. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

2. *Woman Attempting to Procure Her Own Miscarriage.—Statute:* Criminal Code, sec. 304. *Offence:* Any woman whether with child or not, unlawfully administering to herself, or permitting to be administered to her, any drug or other noxious thing, or unlawfully uses on herself, or permits to be used on her, any instrument or other means, whatsoever, with intent to procure miscarriage. *Prosecution:* On indictment. *Penalty:* 7 years.

3. *Supplying Drugs to Procure Abortion.—Statute:* Criminal Code, sec. 305. *Offence:* Any person, unlawfully supplying or procuring any drug or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman whether she is or is not with child. *Prosecution:* On indictment. *Penalty:* 2 years.

Accessories—

1. *Accessories After the Fact in Certain Cases.—Statute:* Criminal Code, sec. 574. *Offence:* Any person in any case where no express provision is made by the Criminal Code for the punishment of an accessory, being accessory after the fact to any indictable offence for which the punishment on a first conviction is imprisonment for life, or for 14 years, or for any term longer than 14 years. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Accessories After the Fact in Certain Other Cases.—Statute:* Criminal Code, sec. 575. *Offence:* Any person in any case being accessory after the fact to any indictable offence for committing which the longest term to which the offence can be sentenced is less than 14 years, if no express provision is made for the punishment of such accessory. *Prosecution:* On indictment. *Penalty:* Imprisonment for a term equal to one-half the longest term to which a person committing the indictable offence he is accessory, may be sentenced.

3. *Accessory to Theft by Post Officer.—See* POST OFFICE 23.

4. *Aiding and Abetting Suicide.—See* SUICIDE 2.
5. *Accessory After the Fact to Murder.—See* MURDER 4.

Adulteration—

1. *Adulteration of Food and Drugs.—Statute: Adulteration Act,* R. S. C. 1906, ch. 133, sec. 31. *Offence:* Any person wilfully adulterating any article of food, or any drug, or ordering any other person so to do, in violation of the *Adulteration Act,* 1906. *Prosecution:* In any Court of competent jurisdiction. *Penalty: 1. Where the adulteration is injurious to health.* 1st offence, Min., $50 and costs. Max., $500 and costs or 6 months or both. Subsequent offences: Min., $100 and costs. Max., $1,000 and costs or 1 year or both. *2. Where the adulteration is not injurious to health.* 1st offence: Min., $25 and costs. Max., $200 and costs or 3 months or both. *Subsequent offences:* Min., $100 and costs. Max., $500 and costs or 6 months or both.

2. *Sale of Adulterated Food or Drugs.—Statute: Adulteration Act,* R. S. C. 1906, ch. 133, sec. 32 (Am. 1915, ch. 9, sec. 2). *Offence:* Any person by himself or his agent, selling, offering for sale, or exposing for sale, any article of food or any drug, adulterated within the meaning of the *Adulteration Act. Prosecution:* In any Court of competent jurisdiction. *Penalty: 1. Where the adulteration is injurious to health: 1st offence:* Min., $50 and costs. Max., $200 and costs or 3 months, or both. Subsequent offences: Min., $50 and costs. Max., $500 and costs or 6 months or both. *2. Where the adulteration is not injurious to health.* 1st offence: Min., $25 and costs. Max., $100 and costs or 3 months or both. Subsequent offences: Min., $50 and costs. Max., $200 and costs or 6 months or both.

3. *Adulteration of Liquor. — Statute: Adulteration Act,* R. S. C. 1906, ch. 133, sec. 36. *Offence:* Any person having in possession any adulterated liquor or deleterious ingredient specified in the *Adulteration Act,* respecting intoxicating liquor. *Prosecution:* In Court of competent jurisdiction. *Penalty:* 1st offence, $100; subsequent offences, $400.

4. *Neglecting to Label Food or Drugs in Accordance with Adulteration Act.—Statute: Adulteration Act,* R. S. C. 1906, ch. 133, sec. 37 (Am. 1915, ch. 9, sec. 3). *Offence:* Any person: 1, Knowingly attaching to any article of food, or any drug, any label which falsely describes the article sold, or offered or exposed for sale; *or,* 2, neglecting or refusing to label or mark any

article of food or any drug in accordance with the *Adulteration Act*, as amended. *Prosecution:* In Court of competent jurisdiction. *Penalty:* 1st offence. Min., $25. Max., $200 or 2 months or both. Subsequent offences: Min., $50. Max., $300 or 4 months or both.

5. *Falsely Using Words "Pure" or "Genuine" on Goods.—Statute: Adulteration Act*, R. S. C. 1906, ch. 133, sec. 38. *Offence:* Any person marking goods falsely with words "pure" or "genuine" unless same are pure within the meaning of the *Adulteration Act*. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $100.

6. *Selling Adulterated Vinegar or Paris Green.—Statute: Adulteration Act*, R. S. C. 1906, ch. 133, sec. 39. *Offence:* Any person, selling, offering for sale, or exposing for sale, vinegar or paris green not in accordance with the *Adulteration Act*. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $100.

7. *Lowering Fertilizing Value of Agricultural Fertilizer.—See* AGRICULTURAL FERTILIZER, 3.

8. *Commercial Feeding Stuffs.—See* LIVE STOCK, 3.

9. *Cheese.—See* DAIRIES AND CREAMERIES, 3.

Adultery—

1. *Conspiring to Commit Adultery.—Statute:* Criminal Code, sec. 218. *Offence:* Any person conspiring with any other person, by false pretences, or false representations, or other fraudulent means to induce any woman to commit adultery or fornication. *Prosecution:* On indictment. *Penalty:* 2 years.

Advertisements—

1. *False Advertisements to Promote Sales.—Statute:* Criminal Code, sec. 406 (*a*). *Offence:* Any person knowingly publishing, or causing to be published, any advertisement for either directly or indirectly promoting the sale or disposal of any real or personal, movable or immovable, property or any interest therein, containing any false statement or false representation which is of a character likely to or is intended to enhance the price or value of such property or any interest therein, or to promote the sale or disposal thereof. *Prosecution:* On summary conviction. *Penalty:* $200 fine or 6 months or both.

2. *Advertising Betting Information.—See* BETTING 7, 8.

3. *Advertising Counterfeit Coin.—See* COUNTERFEITING, 30, 31.

Affidavits—

1. *Making False Affidavits Within Province.—See* PERJURY, 2.

2. *Making False Affidavits Outside Province.—See* PERJURY, 3.

Affrays—

1. *Taking Part in an Affray.—Statute:* Criminal Code, sec. 100 (2). *Offence:* Any person taking part in an affray. *Prosecution:* On indictment. *Penalty:* 1 year with hard labour.

Agriculture—

1. *Unlawful Sale of Agricultural Fertilizer.—Statute: Fertilizers Act,* 1916, ch. 16, sec. 15. *Offence:* Any person, being a manufacturer, or agent, or purchaser for re-sale, selling, offering for sale, or exposing for sale, any fertilizer in respect of which the provisions of the *Fertilizers Act,* 1909, have not been complied with; *or,* selling, offering, or exposing for sale, any fertilizer which does not contain the percentage of constituents mentioned in the manufacturer's certificate accompanying such fertilizer. *Prosecution:* In Court of competent jurisdiction. *Penalties:* 1st offence, $50, 2nd offence and subsequent offences, $100 and in default of payment 30 days imprisonment. Note:—There is an allowance for deficiency of one half of one per cent. of the ammonia, or its equivalent, in nitrogen or nitric acid, or of the phosphoric acid, or the potash claimed to be contained in the fertilizer.

2. *Forgery and Uttering Certificate of Registration, Analysis, or Number under Fertilizers Act.—Statute:* The *Fertilizers Act,* 1909, ch. 16, sec. 16. *Offence:* Any person forging, uttering or using, knowing it to be forged, any manufacturer's certificate, registration number or certificate of analysis, required under the *Fertilizers' Act,* 1909. *Prosecution:* On indictment. *Penalty:* 2 years.

3. *Unlawful Use of Certificate, Registration Number, or Unlawful Sale of Unregistered Fertilizer, or Lowering Value of Fertilizer.—Statute:* The *Fertilizer Act,* 1909, ch. 16, sec. 17. *Offence:* Any person wilfully applying to any fertilizer, a certificate or tag, or registration number, given in relation to any other package or lot of fertilizer; *or,* selling any unregistered fertilizer; *or,* lowering the fertilizing value of a registered fertilizer, by mixing any other substance therewith after being placed upon the market. *Prosecution:* On summary conviction. *Penalty:* $500, and in default of payment 12 months' imprisonment.

4. *Giving a False Certificate with Agricultural Fertilizer.*—*Statute:* The *Fertilizers Act,* 1909, ch. 16, sec. 18. *Offence:* Any person giving a false certificate in writing with respect to a fertilizer sold by him as principal or agent. *Prosecution:* On summary conviction. *Penalty:* $500 and in default of payment 12 months' imprisonment.

5. *Purchasing Crops from Indians Without Authority.*—*See* INDIANS, 11.

6. *Purchasing Live Stock from Indians Without Authority.*—*See* INDIANS, 1.

Agricultural Fertilizer—

1. *Violating the Agricultural Fertilizers Act, 1909.**—*Statute:* The *Fertilizers Act,* 1909, ch. 16, sec. 15, as amended 1919, ch. 20, sec. 3. *Offence:* Any manufacturer or agent, and any purchaser buying and re-selling under section 14, violating any of the provisions of the *Fertilizers Act,* 1909, or of any regulation made thereunder (sec. 15). *Prosecution:* 1st offence, $50, and for each subsequent offence, $100, and in default of payment 30 days' imprisonment (sec. 15). *Special Provisions:* A deficiency of half of one per cent. of the nitrogen, or of the phosphoric acid, or of the potash stated to be contained in the fertilizer is not to be considered as evidence of fraudulent intent if the total value of the fertilizer in fertilizing materials is substantially equivalent to the guaranteed analysis made by the manufacturer or agent (sec. 15).

Air Traffic—

1. *Violating Air Board Regulations Governing Traffic, &c.*—*Statute:* The *Air Board Act,* 1919, ch. 11, sec. 4(2)). *Offence:* Any person violating the provisions of any regulation made under the authority of section 4 of the *Air Board Act,* 1919, (sec. 4 (2)). *Prosecution:* On summary conviction (sec. 4 (2)). *Penalty:* $1,000 or 6 months or both (sec. 4 (2)).

* AGRICULTURAL FERTILIZER—*Provisions.*—The Fertilizers Act, 1909, ch. 16, as amended 1919, ch. 20, contains several mandatory provisions. These include:—1. Every manufacturer or agent, before selling or offering for sale, either himself or by another person in Canada, any fertilizer, must either mark upon each package of fertilizer the particulars contained in section 2A of the Act, or attach a label to each such package containing such particulars, or when the fertilizer is sold in bulk shall set out such particulars on the invoice (sec. 2A). 2. The name of foreign manufacturer's agent or representative in Canada must be filed with the Minister (sec. 4). 3. Notice of change of formula must be given and application made for a new number (sec. 8). 4. No manufacturer or agent shall sell or offer for sale in Canada any fertilizer, unless he has obtained a license under the Fertilizers' Act, 1909 (sec. 9 (1). [*The Fertilizers' Act,* 1909, as amended 1919, ch. 20.]

Alien Enemies—

1. *Inciting or Assisting Alien Enemy to Leave Canada.—Statute:* Criminal Code, sec. 75 (*a*). *Offence:* Any person inciting or assisting any subject of any foreign state or country at war with His Majesty, to leave Canada, without the consent of the Crown, unless the person accused can prove that assistance to the enemy was not intended, and provided that such inciting or assisting do not amount to treason. *Prosecution:* On indictment. *Penalty:* 2 Years.

Animals—

1. *Killing, Poisoning or Injuring Any Dog, Bird, Beast or Other Animal, not Being Cattle.—Statute:* Criminal Code, sec. 537. *Offence:* Any person wilfully killing, maiming, wounding, poisoning or injuring any dog, bird, beast, or other animal, not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement, or kept for any lawful purpose. *Prosecution:* 1st offence on summary conviction. 2nd offence, indictable. *Penalties:* 1st offence fine not exceeding $100 over and above the amount of injury done or 3 months with or without hard labour. 2nd offence, fine or imprisonment in discretion of Court.

2. *Ill-treating, Ill-using, Baiting or Bull-fighting.—See* CRUELTY TO ANIMALS, 3.

3. *Neglecting to Feed Cattle During Transportation by Rail or Vessel.—See* CRUELTY TO ANIMALS 5.

4. *Neglecting to Comply with Law Respecting Notification and Quarantine of Diseased Animals,—See* CONTAGIOUS DISEASES, 1-12.

5. *Contagious Diseases of Animals.—See* CONTAGIOUS *Diseases,* 1-12.

6. *Cruelty to Animals.—See* CRUELTY TO ANIMALS, 1-3.

Arson—

1. *Arson.—Statute:* Criminal Code, sec. 511. *Offence:* Any person wilfully setting fire to any building or structure whether such building or structure is completed or not, or to any stack of vegetable produce, or of mineral or vegetable fuel, or to any mine or well of oil, or other combustible substance, or to any ship or vessel, whether completed or not, or to any timber or materials placed in any ship yard for building or repairing or fitting out any ship, or to any of His Majesty's stores or muni-

tion of war. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

2. *Attempted Arson.—Statute:* Criminal Code, sec. 512. *Offence:* Any person wilfully attempting to set fire to anything mentioned in section 511 of the Criminal Code, or who wilfully sets fire to any substance so situated that he knows that anything mentioned in said section 511, is likely to catch fire therefrom. *Prosecution:* On indictment. *Penalty:* 14 years.

3. *Setting Fire to Things not Mentioned in Section 511 of Criminal Code, and not Amounting to Arson.—See* FIRES.

4. *Threats to Burn.—See* THREATS.

Ashes—

1. *Inspection of Pot and Pearl Ashes.—See* INSPECTION AND SALE, 26-29.

2. *Dumping Ashes in Fishing Grounds.—See* FISH AND FISHING, 16.

Assault—

1. *Common Assault—Statute:* Criminal Code, sec. 291. *Offence:* Any person committing a common assault. *Prosecution:* On indictment, or on summary conviction, one Justice of the Peace. *Penalties:* On indictment, 1 year or $100. On summary conviction, $20 and costs or 2 months with or without hard labour.

2. *Assault with Intent to Rob.—Statute:* Criminal Code, sec. 448. *Offence:* Any person assaulting another with intent to rob him. *Prosecution:* On indictment. *Penalty:* 3 years.

3. *Assault on a Peace Officer—Summary Trial Under Sec. 773 (e). —Statute:* Criminal Code, sec. 773 (e). *Offence:* Any person assaulting or obstructing any public or peace officer engaged in the execution of his duty or any person acting in aid of such officer. *Prosecution:* On summary trial under sec. 773 (e) before two Justices of the Peace, police magistrate, etc. *Penalty:* Fine not exceeding, with costs, $200 or imprisonment not exceeding 6 months, or both.

4. *Indecent Assault—Summary Trial Under Sec. 773 (d). —Statute:* Criminal Code sec. 773 (d). *Offence:* Any person committing: 1, An indecent assault on a male person whose age does not, in the opinion of the magistrate, exceed 14 years, when such assault is of a nature which cannot, in the opinion of the magistrate, be sufficiently punished by a summary conviction before him under any part of the Criminal Code; 2, an indecent

assault on a female, not amounting in the magistrate's opinion, to an assault with intent to commit rape. *Prosecution:* On summary trial before two Justices of the Peace, police magistrate, etc. *Penalty:* Fine not exceeding, with costs, $200, or imprisonment not exceeding 6 months or both.

5. *Indecent Assault on a Female.—Statute:* Criminal Code, sec. 292 (*a*). *Offence:* Any person indecently assaulting any female. *Prosecution:* On indictment. *Penalty:* 2 years and whipping.

6. *Indecent Assault on Female by Fraud.—Statute:* Criminal Code, sec. 292 (*b*). *Offence:* Any person doing anything to any female by her consent, which but for such consent would be an indecent assault if such consent is obtained by false and fraudulent representation as to the nature and quality of the act. *Prosecution:* On indictment. *Penalty:* 2 years and whipping.

7. *Indecent Assault on Male Person.—Statute:* Criminal Code, sec. 293. *Offence:* Any person assaulting any person with intent to commit sodomy, or, who, being a male, indecently assaults any other male person. *Prosecution:* On indictment. *Penalty:* 10 years and whipping.

8. *Assault Occasioning Actual Bodily Harm.—Statute:* Criminal Code, sec. 295. *Offence:* Any person committing an assault which occasions actual bodily harm. *Prosecution:* On indictment. *Penalty:* 3 years.

9. *Assault Occasioning Actual Bodily Harm to Wife or Other Female.—See* BODILY HARM, 2.

10. *Inflicting Grievous Bodily Harm With or Without Weapon.—See* BODILY HARM, 5.

11. *Wounding or Causing Grievous Bodily Harm.—See* BODILY HARM, 4.

12. *Assault with Intent.—Statute:* Criminal Code, sec. 296 (*a*). *Offence:* Any person assaulting another with intent to commit an indictable offence. *Prosecution:* On indictment. *Penalty:* 2 years.

13. *Assault on Public or Peace Officer.—Statute:* Criminal Code, sec. 296 (*b*). *Offence:* Any person assaulting any public or peace officer engaged in the execution of his duty, or any person acting in aid of such officer. *Prosecution:* On indictment. *Penalty:* 2 years.

14. *Assault With Intent to Resist Arrest.—Statute:* Criminal Code, sec. 296 (*c*). *Offence:* Any person assaulting another with

intent to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence. *Prosecution:* On indictment. *Penalty:* 2 years.

15. *Assault on Sheriff's Bailiff and Others Executing Process, or Making Distress.—Statute:* Criminal Code, sec. 296 (*d*). *Offence:* Any person, assaulting a person in the lawful execution of any process against any lands, or goods, or in making any lawful distress or seizure, or with intent to rescue any goods taken under such process, distress or seizure. *Prosecution:* On indictment. *Penalty:* 2 years.

16. *Assault During Election Day.—Statute:* Criminal Code, sec. 296 (*e*). *Offence:* Any person, on any day whereon any poll for an election, parliamentary or municipal, is being proceeded with, within the distance of two miles from the place where such poll is taken, or held, assaults or beats any person. *Prosecution:* On indictment. *Penalty:* 2 years.

17. *Assault on Wife or Other Female.—Statute:* Criminal Code, sec. 292 (*c*). *Offence:* Any person, assaulting and beating his wife, or any other female, and thereby occasions her actual bodily harm. *Prosecution:* On indictment. *Penalty:* 2 years and whipping.

18. *Assaulting Master or Mate Aboard Ship.—See* SHIPPING, 62, 81.

19. *Assaults on the King.—See* TREASON, 7.

Attempts—

1. *Attempt to Commit Certain Indictable Offences.—Statutes:* Criminal Code, sec. 570. *Offence:* Any person attempting in any case not specially provided for, to commit any indictable offence the punishment for which is imprisonment for life, or 14 years, or for any term longer than 14 years. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Attempting to Commit Certain other Indictable Offences.—Statute:* Criminal Code, sec. 571. *Offence:* Any person attempting to commit any indictable offence for committing which the longest term to which the offender can be sentenced is less than 14 years, and no express provision is made by law, for the punishment of such attempt. *Prosecution:* On indictment. *Penalty:* Imprisonment for a term equal to one half of the longest term to which a person committing the indictable offence attempted to be committed, may be sentenced.

3. *Attempting to Commit Offences Under Statutes.—Statute:* Criminal Code, sec. 572. *Offence:* Any person attempting to

commit any offence under any Statute, for the time being in force and not inconsistent with the Criminal Code, or inciting, or attempting to incite any person to commit any such offence, and for the punishment of which no express provision is made by such Statute. *Prosecution:* On indictment. *Penalty:* 1 year.

4. *Attempt to Procure Abortion.—See* ABORTION 1.

5. *Attempt to Procure Person's Own Miscarriage.—See* ABORTION 2.

6. *Attempt to Commit Arson.—See* ARSON 2.

7. *Attempt to Procure Girl or Woman for Carnal Knowledge Purposes.—See* PROCURING 1, 2, 3, 5.

8. *Attempt to Commit Suicide.—See* SUICIDE 1.

9. *Attempt to Commit Theft.—See* THEFT 2.

Automatic Vending Machines—

1. *Unlawfully Supplying Cigarettes or Tobacco to Minors.—See* TOBACCO 3.

B.

Bankruptcy—*

1. *Debtor Failing to Attend Bankruptcy Examination.—Statute: Bankruptcy Act,* 1919, ch. 36, sec. 56 (2). *Offence:* Debtor or any person liable to be examined under sec. 56 of the *Bankruptcy Act,* 1919, refusing or neglecting to attend after being served with appointment or summons, or refusing to answer questions or produce books, or papers at hearing. *Prosecution:* Arrest on bench warrant. *Penalty:* Committal for contempt for term not exceeding 12 months.

2. *Fraud in Connection with Bankruptcy Proceedings, or Receiving Order Under Bankruptcy Act, 1919.—Statute: Bankruptcy Act,* 1919, ch. 36, sec. 89. *Offence:* Any person who has been adjudged bankrupt or in respect of whose estate a receiving order has been made, or who has made an authorized assignment under the *Bankruptcy Act,* 1919, committing any fraud or making any false statement as set out in paragraphs (*a*) to (*r*) of sec. 89. *Prosecution:* On indictment. *Penalty:* $1,000 or two years, or both. *Special Provisions:* Bankruptcy Court can commit accused for trial.

3. *Undischarged Bankrupt Obtaining Credit or Using Deceptive Name.—Statute:* The *Bankruptcy Act,* 1919, ch. 36,

* The *Bankruptcy Act* (c. 36), 1919, comes into force on proclamation only, and until this Act is proclaimed, the offences above set out will not be in force either. [See section 98 *Bankruptcy Act* (c. 36), 1919.]

sec. 90. *Offence:* Any undischarged bankrupt or an undischarged authorized assignor obtaining credit of $50 or upwards, without informing persons that he is an undischarged bankrupt or an undischarged authorized assignor, or engages in any trade or business under a name other than that under which he was adjudicated bankrupt. *Prosecution:* On indictment. *Penalty:* $500 and 1 year or both. *Special Provisions:* Bankruptcy Court can commit accused for trial (sec. 95).

4. *Bankrupt Failing to Keep Proper Books.—Statute:* The *Bankruptcy Act,* 1919, ch. 36, sec. 91. *Offence:* Bankrupt failing to keep proper books of account as required by *Bankruptcy Act,* 1919. *Prosecution:* On indictment. *Penalty:* $1,000 and one year's imprisonment. *Special Provisions:* Bankruptcy Court can commit accused for trial (sec. 95).

5. *Creditor Making False Claim in Bankruptcy Proceedings. —Statute:* The *Bankruptcy Act,* 1919, ch. 36, sec. 92. *Offence:* Creditor or any person claiming to be a creditor in any bankruptcy proceedings, etc., wilfully and with intent to defraud, making any false claim, or any proof, declaration or statement of account which is untrue in any material particular. *Prosecution:* On indictment. *Penalty:* 1 year's imprisonment without hard labour. *Special Provisions:* The Bankruptcy Court can commit the accused for trial, (sec. 95).

6. *Trustee Acting Without Bond, or not Complying With the Bankruptcy Act.—Statute:* The *Bankruptcy Act,* 1919, ch. 36, sec. 96. *Offence:* Trustee acting without bond, or not complying with provisions of Act, or, not being a trustee duly authorized, pretends to be a trustee. *Prosecution:* On indictment. *Penalty:* $1,000, or two years' imprisonment or both.

7. *Maliciously Carrying on Proceedings in Bankruptcy Against a Person who has Committed no Act of Bankruptcy.— Statute:* The *Bankruptcy Act,* 1919, ch, 36, sec. 97. *Offence:* Any person maliciously instituting or carrying on against any person, who has not done or suffered any act of bankruptcy, any proceedings in bankruptcy under the *Bankruptcy Act,* 1919. *Prosecution:* On indictment. *Penalty:* $1,000 or 2 years' imprisonment or both.

Banks—

1. *Provisional Directors Paying out Expenses of Organization Prior to Granting of Treasury Board Certificate.—Statute: Bank Act,* 1913, ch. 9, sec. 131A. *Offence:* The provisional directors, or director, authorizing, or being a party to the pay-

ment of, or receiving out of the moneys paid in by subscribers, or interest thereon, any sum for commission, salary or charges for services, in connection with organization, prior to the granting of the Treasury Board Certificate permitting the bank to commence business. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Fine of $1,000, or 5 years' imprisonment, or both.

2. *Provisional Directors Paying Out Expenses of Incorporation or Organization Which have not been Submitted to Treasury Board.—Statute: Bank Act,* 1913, ch. 9, sec. 131A. *Offence:* Director authorizing payment, or general manager, or officer paying incorporation or organization expenses of bank, other than those submitted to Treasury Board. *Penalty:* Fine not exceeding $1,000, or 5 years or both.

3. *Bribery and Corruption.—Statute: Bank Act,* 1913, ch. 9, sec. 131B. *Offences:* 1, Bank officers, obtaining gifts or showing favours; 2, persons offering gifts or showing favours to bank officials. *Prosecution:* On indictment and on summary conviction. *Penalties:* On indictment, 2 years or $2,500, or both. On summary conviction, 6 months with or without hard labour, or $100 or both.

4. *Transacting Business or Issuing Notes Before Obtaining Treasury Certificate.—Statute: Bank Act,* 1913, ch. 9, sec. 132. *Offence:* A director, or provisional director, of any bank, and every other person, issuing or authorizing the issue of any note of such bank, or transacting or authorizing business in connection with bank before obtaining certificate of treasury board, to commence business. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Under sec. 157, fine of $1,000, or 5 years or both.

5. *Sale and Transfer of Bank Shares in Violation of the Bank Act.—Statute: Bank Act,* 1913, ch. 9, sec. 133. *Offence:* Any person, whether principal, broker, or agent, wilfully selling or transferring or attempting to sell or transfer, bank shares by false numbers, or bank shares of which such person is not registered owner at the time of sale, or bank shares without obtaining consent of registered owner. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Under sec. 157, fine of $1,000 or 5 years or both.

6. *Bank Violating Provisions of Bank Act, Respecting Cash Reserve.—Statute: Bank Act,* 1913, ch. 9, sec. 134. *Offence:* Any bank holding Dominion notes less than 40% of the cash reserves, which such bank has in Canada. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $500.

7. *Bank Circulating Notes in Excess of Amount Allowed by Bank Act.—Statute: Bank Act,* 1913, ch. 9, sec. 135. *Offence:* Bank having a total amount of the notes of the bank in circulation at any time exceeding that authorized by the *Bank Act. Prosecution:* In Court of competent jurisdiction. *Penalty:* Where excess is not over $1,000,—penalty equal to excess. Where excess is over $1,000, but not over $20,000,—a penalty of $1,000; where excess is over $20,000 and not over $100,000,—a penalty of $10,000. Where excess is over $100,000, and not over $200,000, penalty $50,000; and where excess is over $200,000 a penalty of $100,000.

8. *Persons, Other than Banks, Issuing Notes for Circulation as Money.—Statute: Bank Act,* 1913, ch. 9, sec. 136. *Offence:* Any person (except a bank to which the *Bank Act* applies), issuing, or re-issuing, making, drawing, or endorsing any bill, bond, note, cheque, or other instrument intended to circulate as money, or to be used as a substitute for money for any amount whatsoever. *Prosecution:* Court of competent jurisdiction. *Penalty:* $400 and costs, one-half to person suing, other half to Dominion Government

9. *Persons Defacing Bank Notes.—Statute: Bank Act,* 1913, ch. 9, sec. 137 (1). *Offence:* Any person mutilating, cutting, tearing, or perforating with holes, any Dominion or bank note whether by writing, printing, drawing or stamping thereon or by attaching or fixing thereto anything in the nature or form of an advertisement. *Prosecution:* On summary conviction. *Penalty:* $20.

10. *Issuing Notes not Disinfected or Sterilized.—Statute: Bank Act,* 1913, ch. 9, sec. 137 (2). *Offence:* Any officer, clerk or servant of bank, re-issuing to the public any bank notes, or Dominion notes, which have not been disinfected and sterilized in accordance with the regulations made by the Treasury Board, under the *Bank Act. Prosecution:* On summary conviction. *Penalty:* $20; penalty in case of bank, $50.

11. *Issuing Notes During Suspension.—Statute: Bank Act,* 1913, ch. 9, sec. 138. *Offences:* 1, Any president, vice-president, director, general manager, manager clerk or other officer of bank, issuing notes during period of suspension or without authority of Treasury Board; 2, any person accepting such notes. *Prosecution:* On indictment. *Penalty:* 7 years, or $2,000 or both.

12. *Bank Officers Pledging Notes.—Statute: Bank Act,* 1913, ch. 9, sec. 139. *Offence:* 1, The president, vice-president, director,

general manager, manager, clerk or other officer of the bank, pledging, assigning or hypothecating or authorizing, or is concerned in the pledging, assigning or hypothecating of the notes of the bank; 2, every person accepting, receiving or taking or authorizing or being concerned in the acceptance or receipt or taking of such notes as a pledge, assignment or hypothecation. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Min., $400; Max., $2,000, or 2 years or both.

13. *Bank Officials Issuing Notes Fraudulently—Statute: Bank Act,* 1913, ch. 9, sec. 140. *Offences:* 1, The president, vice-president, director, general manager, manager, clerk or other officer of a bank, with intent to defraud, issuing or delivering or authorizing, or is concerned in the issue, or delivery of notes, of the bank, intended for circulation, and not then in circulation; 2, any person knowingly accepting such notes. *Prosecution:* On indictment. *Penalty:* $2,000 or 7 years or both.

14. *Bank Acquiring Warehouse Receipts, Bills of Lading, &c., Except as Authorized by Bank Act.—Statute: Bank Act,* 1913, ch. 9, sec. 141. *Offence:* Any bank acquiring warehouse receipt, or bills of lading, except under the circumstances set out in section 141 of the *Bank Act. Prosecution:* Court of competent jurisdiction. *Penalty:* $500.

15. *Bank Selling Goods Covered by Warehouse Receipt, except as Authorized by Bank Act.—Statute: Bank Act,* 1913, ch. 9, sec. 142. *Offence:* Bank selling goods, wares, merchandise, covered by warehouse receipt, bill of lading, etc., without complying with the provisions of the *Bank Act. Prosecution:* In Court of competent jurisdiction. *Penalty:* $500.

16. *False Statements in Securities Given on Grain, Manufactures, or Products.—Statute: Bank Act,* 1913, ch. 9, sec. 143. *Offence:* Any person making false statements in the security given to a bank upon products, manufactures or grain. *Prosecution:* On indictment. *Penalty:* 2 years.

17. *Fraudulently Disposing of Goods on Which Security has been given to a Bank.—Statute: Bank Act,* 1913, ch. 9, sec. 144. *Offence:* Any person wilfully disposing of, or withholding goods covered by security given to bank, upon goods, wares and merchandise covered by warehouse receipt or bill of lading. *Prosecution:* On indictment. *Penalty:* 2 years.

18. *Bank Neglecting to Sell Shares under Privileged Lien. —Statute: Bank Act,* 1913, ch. 9, sec. 145. *Offences:* 1, Any

bank neglecting to sell within 12 months after the debt or liability has accrued; 2, bank not giving notice thereof to holder as required by sec. 145 of the *Bank Act. Prosecution:* In Court of competent jurisdiction. *Penalty:* $500.

19. *Bank Carrying on Business Prohibited by Bank Act.—Statute: Bank Act,* 1913, ch. 9, sec. 146. *Offence:* Any bank carrying on trade or business, or lending money on bank stock, or lending money on land, goods, wares or merchandise, except as authorized by the *Bank Act. Prosecution:* In Court of competent jurisdiction. *Penalty:* $500.

20. *Bank Officials Assigning or Hypothecating Notes of Bank on Behalf of the Bank.—Statute: Bank Act,* 1913, ch. 9, sec. 146A. *Offence:* Any director, officer, clerk or servant of bank, pledging, assigning or hypothecating notes of bank on behalf of the bank. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Under sec. 157, $1,000, or 5 years or both.

21. *Bank Paying Liabilities After Suspension.—Statute: Bank Act,* 1913, ch. 9, sec. 146B. *Offence:* Any director, officer, clerk or servant of the bank, having knowledge of suspension of the bank, paying, or causing to be paid, to any person any debt or liability of the Bank without the consent of the curator, or liquidator. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Under sec. 157, $1,000, or 5 years or both.

22. *Bank, Failing to make Monthly Returns.—Statute: Bank Act,* 1913, ch. 9, sec. 147. *Offence:* Any bank neglecting to make and send to the Minister, within the first 20 days of any month, the monthly return required by the *Bank Act. Prosecution:* In Court of competent jurisdiction. *Penalty:* $50 a day during neglect.

23. *Banks Failing to Make Returns of Additional Issue of Notes.—Statute: Bank Act,* 1913, ch. 9, sec. 147A. *Offence:* Any bank neglecting to make and send to the Minister, within the first 30 days after the last day of the month in which any amount of its notes in excess of the amount of the unimpaired paid-up capital of the bank has been issued, or is outstanding, the return required by the *Bank Act. Prosecution:* In Court of competent jurisdiction. *Penalty:* $50 a day during neglect.

24. *Banks Failing to Make Return of Value of Property Held by Bank under section 79 of the Bank Act.—Statute: Bank Act,* 1913, ch. 9, sec. 147B. *Offence:* Any bank neglecting to make and send to the Minister, during the month of January in each year, a return showing in detail, the fair market

value of its real and immovable property held under sec. 79 of the *Bank Act. Prosecution:* In Court of competent jurisdiction. *Penalty:* $50 a day during neglect.

25. *Bank Failing to Make Quarterly Returns.—Statute: Bank Act,* 1913, ch. 9, sec. 147C. *Offence:* Any bank neglecting to make and send to the Minister a quarterly return as of the last juridical day of the months of March, June, September and December, in each year, giving the particulars prescribed by the Treasury Board regulations under the *Bank Act. Prosecution:* In Court of competent jurisdiction. *Penalty:* $50 a day during neglect.

26. *Bank Failing to Make Special Returns on Demand.—Statute: Bank Act,* 1913, ch. 9, sec. 148. *Offence:* Any bank neglecting to make and send to the Minister within 30 days from the date of demand, any special return required by the Minister. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $500 a day during neglect.

27. *Banks Failing to make Annual Draft and Bill Returns.—Statute: Bank Act,* 1913, ch. 9, sec. 149. *Offence:* Any bank neglecting to transmit or deliver to the Minister within 20 days after the close of any calendar year, a return under the *Bank Act,* of all certified cheques, drafts, bills of exchange, issued by bank and remaining unpaid, for more than 5 years prior to the date of return. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $50 a day during neglect.

28. *Bank Failing to make Annual Return of Shares and Shareholders.—Statute: Bank Act,* 1913, ch. 9, sec. 150. *Offence:* Any bank neglecting to transmit or deliver to the Minister within 20 days after the close of the calendar year, a certified list of shares and shareholders. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $50 a day during neglect.

29. *Bank Failing to Make Annual Return of Dividends, Balances, Drafts, Bills, etc.—Statute: Bank Act,* 1913, ch. 9, sec. 151. *Offence:* Any bank neglecting to transmit or deliver to the Minister within 20 days after the close of any calendar year a return of all dividends which have remained unpaid for 5 years, and all balances, dormant for 5 years, and drafts and bills issued by the bank and remaining unpaid for more than 5 years. *Prosecution:* In Court of competent jurisdiction *Penalty:* $50 a day during neglect.

30. *False Statements by Bank Officials in Accounts and Returns.—Statute: Bank Act,* 1913, ch. 9, sec. 153A. *Offence:*

President, vice-president, director, auditor, general manager, or other officer of the bank or trustee who negligently prepares, signs, approves, or concurs in any account, statement, return, report or document respecting the affairs of the bank, containing any false or deceptive statement. *Prosecution:* On indictment. *Penalty:* 3 years unless greater punishment allowed by law.

31. *False Statements in Reports or Accounts of Bank Intended to Mislead or Deceive.—Statute: Bank Act,* 1913, ch. 9, sec. 153 (1). *Offence:* Bank making any wilfully false or deceptive statement in any account, statement, return, report or other document respecting affairs of the bank, or using any false or deceptive statement in any account, statement, return, report or other documents respecting affairs of bank, with intent to deceive or mislead any person. *Prosecution:* On indictment, *Penalty:* 5 years unless greater punishment provided by law.

32. *Director Refusing to make Calls on Suspension of Bank. —Statute: Bank Act,* 1913, ch. 9, sec. 154. *Offence:* A director of any bank refusing to make or enforce or to concur in making or enforcing any call on shareholders of bank to an amount deemed necessary to pay all the debts and liabilities of the bank, and failing to take proceedings for winding up on suspension of the bank. *Prosecution:* On indictment. *Penalty:* 2 years and personal liability for default.

33. *Bank Officials Giving Undue Preference to a Creditor.— Statute: Bank Act,* 1913, ch. 9, sec. 155. *Offence:* The president, vice-president, director, general manager, manager, or other officer of bank, wilfully giving or concurring in giving to any creditor of the bank any fraudulent, undue or unfair preference over other creditors by giving security to such creditors, or by changing the nature of his claim, or otherwise howsoever. *Prosecution:* On indictment. *Penalty:* 2 years and personal liability in damages.

34. *Unauthorized Use of Words "Bank," "Banking Co."— Statute: Bank Act,* 1913, ch. 9, sec. 156 (1). *Offence:* Any person using the word "bank," or the words "savings bank," "banking company," "banking house," "banking association," or "banking institution," or any word or words of import equivalent thereto in any foreign language in a sign, or in any advertisement or in a title to represent or describe his business or any part of his business without being authorized so to do by the *Bank Act,* or by some other Act in force in that behalf. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Under sec. 157, $1,000 fine or 5 years or both.

35. *Unauthorized Use of Words "Banker."—Statute: Bank Act*, 1913, ch. 9, sec. 156 (2). *Offence:* Any person using in a sign or advertisement, or title to represent or describe his business words in a foreign language of import equivalent to the words "private banker," without being authorized to do so by the *Bank Act* or by some other Act in force in that behalf. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Under sec. 157. Fine of $1,000, or 5 years or both.

36. *Theft by Bank Clerks and Cashiers.—See* THEFT, 11.

37. *Person Signing Receipt for Money Paid by Bank without War Stamp being Affixed.—See* WAR 16.

38. *Bank Issuing or Paying Cheque without War Stamp being Affixed.—See* WAR 17.

39. *Bank Omitting to Cancel Stamp on Cheque.—See* WAR, 18.

40. *Bank Taking Receipt without Affixing War Stamp.—See* WAR 19.

41. *Liquidator Failing to Bank Estate Money Regularly.—See* WINDING-UP 3.

Bank Notes—

1. *Purchasing, Receiving or Possessing Forged Bank Notes. Statute:* Criminal Code, sec. 550. *Offence:* Any person without lawful authority or excuse, the proof whereof shall lie on him, purchasing or receiving from any person, or having in his custody or possession, any forged bank note, or forged blank bank note, whether complete or not, knowing it to be forged. *Prosecution:* On indictment. *Penalty:* 14 years.

2. *Printing Circulars in the Likeness of Bank Notes.—Statute:* Criminal Code, sec. 551. *Offence:* Any person designing, engraving, printing, or in any manner making, executing, uttering, issuing, distributing, circulating, or using any business or professional card, notice, placard, circular, handbill, or advertisement, in the likeness or similitude of any bank note or any obligation, or security of any government or any bank. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* $100 fine or 3 months or both.

3. *Defacing Bank Notes.—See* BANKS 9.

4. *Issuing Bank Notes not Dininfected or without being Sterilized.—See* BANKS 10.

5. *Banks Issuing Notes During Suspension.—See* BANKS 11.

6. *Bank Officials Pledging Notes.—See* BANKS 12, 20.

7. *Bank Officials Issuing Notes Fraudulently.—See* BANKS 13.

8. *Persons, other than Bank, Issuing and Circulating Bank Notes as Money.—See* BANKS 8.

9. *Banks Issuing Bank Notes before Receiving Treasury Board Certificate.—See* BANKS 4.

10. *Banks Circulating Notes in Excess of Amount Authorized by Bank Act.—See* BANKS 7.

11. *Bank Officials Hypothecating Notes of Bank on its Behalf.—See* **BANKS 20.**

12. *Bank Failing to make Return of Additional Issue of Bank Notes.—See* BANKS 23.

Bawdy Houses—

1. *Being Inmate of a Disorderly House, Known as a Common Bawdy House.—Statute:* Criminal Code, sec. 229A. *Offence:* Any person being found an inmate of any common bawdy house. *Prosecution:* On indictment under sec. 229A, or on summary trial before two Justices of the Peace, under sec. 773 (*f*). *Penalty:* On indictment:—Fine, $100 and costs, and in default of payment, imprisonment not exceeding 2 months, or, imprisonment in first instance not exceeding 12 months, and of *third and subsequent offences* to imprisonment in first instance; min., 3 months, max., 2 years. *On summary trial under sec. 773 (f):*—$200 fine or 6 months or both.

2. *Enticing Woman or Girl Into Common Bawdy House.—Statute:* Criminal Code, sec. 216 (*b*). *Offence:* Any person inveigling or enticing any woman or girl, not being a common prostitute or of known immoral character, to a common bawdy house, or house of assignation, for the purpose of illicit intercourse or prostitution. *Prosecution:* On indictment. *Penalty:* 1st offence, 5 years; 2nd or subsequent offence, whipping in addition.

3. *Concealing Woman in Bawdy House.—Statute:* Criminal Code, sec. 216 (*c*). *Offence:* Any person knowingly concealing any woman or girl in any common bawdy house, or house of assignation. *Prosecution:* On indictment. *Penalty:* 1st offence, 5 years; 2nd and subsequent offences, whipping in addition.

2. *Taking Female Immigrant to Common Bawdy House.—Statute:* Criminal Code, sec. 216 (*f*). *Offence:* Any person on the arrival of any woman or girl in Canada, directs or causes her to be directed, takes or causes her to be taken, to any common

bawdy house, or house of assignation. *Prosecution:* On indictment. *Penalty:* 1st offence, 5 years; 2nd and subsequent offences, whipping in addition.

5. *Keeping a Common Bawdy House.—Statute:* Criminal Code, sec. 228. *Offence:* Any person keeping any disorderly house, that is to say, a bawdy house, as defined by Criminal Code. *Prosecution:* On indictment under section 228 or on summary trial before two Justices of the Peace, &c., under sec. 773 (*f*). *Penalty:* On indictment, 1 year; on summary trial under sec. 773 (*f*) $200 (with costs), or 6 months, or both.

6. *Procuring Women or Girls to Enter Common Bawdy House.—See* PROCURING 3.

7. *Keeping Habitation for Prostitution of Indian Women.—See* PROSTITUTION 1.

8. *Indian Woman Keeping or Frequenting Disorderly House.—See* PROSTITUTION 3.

9. *Obstructing Constable Searching for Seamen in a Disorderly House.—See* SHIPPING 74.

Beef and Pork—

1. *Exporting Beef and Pork not Properly Packed.—See* INSPECTION AND SALE 18.

2. *Violating Inspection and Sale Provisions as to Branding Beef and Pork.—See* INSPECTION AND SALE 19.

3. *False Inspection.—See* INSPECTION AND SALE 20.

4. *Omitting to Affix Owner's Name on Packages of Beef and Pork.—See* INSPECTION AND SALE 21.

5. *Inspector Exposing Beef or Pork to Sun or Inclement Weather after Inspection.—See* INSPECTION AND SALE 22.

6. *Inspector not Providing Accessible Inspection Place.—See* INSPECTION AND SALE 23.

Betting—

1. *Betting, Pool Selling and Book Making Under Sec. 773 (g).—Statute:* Criminal Code, sec. 773G. *Offence:* Any person committing any offence under sec. 235 of the Criminal Code respecting betting, pool selling or book making. *Prosecution:* On summary trial, two Justices of the Peace. *Penalty:* Fine not exceeding (with costs) $200 or 6 months or both.

2. *Using Premises for Betting, Pool Selling, Book Making, &c.—Statute:* Criminal Code, sec. 235 (*a*). *Offence:* Any person using or knowingly allowing any part of any premises under his control to be used for the purpose of recording or registering

any bet or wager, or selling any pool, or any gambling, wagering or betting machine or device. *Prosecution:* On indictment. *Penalty:* 1 year and $1,000 fine.

3. *Selling or Exhibiting Device or Apparatus for Recording Bets.—Statute:* Criminal Code, sec. 235 (*b*). *Offence:* Any person importing, making, buying, selling, renting, leasing, hiring, or keeping, exhibiting, employing or knowingly allowing to be kept, exhibited or employed in any part of any premises under his control any device or apparatus for the purpose of recording any bet or wager or selling any pool. *Prosecution:* On indictment. *Penalty:* 1 year and $1,000 fine.

4. *Acting as Stakeholder.—Statute:* Criminal Code, sec. 235 (*c*). *Offence:* Any person becoming the custodian or depository of any money, property, or valuable thing staked, wagered or pledged in any case or transaction in which such staking, wagering, or pledging, is itself contrary to the provisions of the Act. *Prosecution:* On indictment. *Penalty:* 1 year and $1,000 fine.

5. *Registering Bet or Selling Pool on Result of Election, Race, &c.—Statute:* Criminal Code, sec. 235 (*d*). *Offence:* Any person recording or registering any bet or wager, or selling any pool, upon the result of any political or municipal election, any race, or any contest or trial of skill or endurance of man or beast. *Prosecution:* On indictment. *Penalty:* 1 year and $1,000 fine.

6. *Carrying on a Betting Business.—Statute:* Criminal Code, sec. 235 (*e*). *Offence:* Any person engaging in pool selling, or book making, or in the business or occupation of betting or wagering, or making any agreement for the purchase or sale of betting or gaming privileges, or for the purchase or sale of information intended to assist in book making, pool selling, betting or wagering. *Prosecution:* On indictment. *Penalty:* 1 year and $1,000 fine.

7. *Advertising Betting Information.—Statute:* Criminal Code, sec. 235 (*f*). *Offence:* Any person advertising, printing, publishing, exhibiting, posting up, selling or supplying, or offering to sell or supply any information, intended to assist in or intended for use in connection with book making, pool selling, betting or wagering upon any horse race, or other race, fight, game or sport, whether at the time of advertising, printing, publishing, exhibiting, posting up or supplying such news or information, such horse race or other race, fight, game, or sport

has or has not taken place. *Prosecution:* On indictment. *Penalty:* 1 year and $1,000 fine.

8. *Advertising Invitation to Bet.—Statute:* Criminal Code, sec. 235 (*g*). *Offence:* Any person advertising, printing, publishing, exhibiting or posting up any offer, invitation or inducement to bet. *Prosecution:* On indictment. *Penalty:* 1 year and $1,000 fine.

9. *Telegrams, Telephones, Mail and Express for Betting.—Statute:* Criminal Code, sec. 235 (h). *Offence:* Any person wilfully and knowingly, sending, transmitting, delivering or receiving any message by telegraph, telephone, mail or express, conveying any information relating to book making, pool selling, betting or wagering, or intended to assist in book making, pool selling, betting or wagering. *Prosecution:* On indictment. *Penalty:* 1 year and $1,000.

10. *Aiding and Abetting Book Making, Pool Selling, and Betting.—Statute:* Criminal Code, sec. 235 (*i*). *Offence:* Any person aiding or assisting, in any manner, any of the acts forbidden by section 235 respecting book making, pool selling, and betting. *Prosecution:* On indictment. *Penalty:* 1 year and $1,000 fine.

Bigamy—

1. *Bigamy.—Statute:* Criminal Code, sec. 308. *Offence:* Any person committing bigamy. *Prosecution:* On indictment. *Penalty:* 1st offence, 7 years; 2nd offence, 14 years.

Binder-twine—

1. *Violating Regulations Respecting Sale of Unlabelled Binder-twine.—See* INSPECTION AND SALE 41.

2. *Selling Binder-twine for Home Consumption when in Possession for Export.—See* INSPECTION AND SALE 42.

3. *Selling Binder-twine without being Properly Labelled.—See* INSPECTION AND SALE 43, 44.

Birds—

1. *Theft.—See* THEFT 22.

2. *Protection of Migratory Birds. — See* MIGRATORY BIRDS 1-4.

Births, Marriages and Deaths—

1. *Injuring or Making False Entries in Register of Births, Marriages and Deaths.—Statute:* Criminal Code, sec. 480. *Offence:* Any person: 1, Unlawfully destroying, defacing or

injuring any register of births, baptisms, marriages, deaths, or burials, required or authorized by law to be kept in Canada or any part thereof, or any copy of such register, or any part thereof, required by law to be transmitted to any registrar, or other officer; or, 2, unlawfully inserting in any such register or any such copy thereof, any entry known by him to be false, of any matter relating to any birth, marriage, baptisms, death, or burial, or, erasing from any such register or document, any material part thereof. *Prosecution:* On indictment. *Penalty:* 14 years.

2. *False Certificate of Copy or Extract from Register of Births, Marriages and Deaths.—Statute:* Criminal Code, sec. 281. *Offence:* Any person being authorized or required by law to give any certified copy of any entry in any register of births, baptisms, marriages, deaths or burials:—1, Certifying any writing to be a true copy or extract, knowing it to be false; or, 2, knowingly uttering any such certificate. *Prosecution:* On indictment. *Penalty:* 10 years.

3. *Fraudulently Concealing Register of Births, Deaths, Marriages, &c.—Statute:* Criminal Code, sec. 481 (*b*). *Offence:* Any person unlawfully and for any fraudulent purpose, taking any register of births, baptisms, marriages, deaths, or burials, or any certified copy thereof, from its place of deposit or concealing it. *Prosecution:* On indictment. *Penalty:* 10 years.

4. *Permitting Concealment of Register of Births, Deaths, Marriages, &c.—Statute:* Criminal Code, sec. 481 (*c*). *Offence:* Any person having the custody of any register or certified copy of any birth, baptism, marriage, death or burial, permits it to be taken from its place of deposit or concealed. *Prosecution:* On indictment. *Penalty:* 10 years.

5. *False Certificate of Entry in Register of Births, Deaths, Marriages, &c.—Statute:* Criminal Code, sec. 482 (*a*). *Offence:* Any person required to certify that any entry has been made in any register of births, baptisms, marriages, deaths or burials, making such certificate, knowing that such entry has not been made. *Prosecution:* On indictment. *Penalty:* 7 years.

6. *False Particulars in Certificates or Declarations Respecting Registration, Births, Deaths and Marriages.—Statute:* Criminal Code, sec. 482 (*b*). *Offence:* Any person being required by law to make a certificate or declaration concerning any particular required for the purpose of making entries in any register of births, deaths, marriages, burials or baptism, know-

ingly making such certificate or declaration containing a falsehood. *Prosecution:* On indictment. *Penalty:* 7 years.

Board and Lodging—

1. *Beating Board, or Obtaining Food and Lodging by Fraud. —Statute:* Criminal Code, sec. 407B. *Offence:* Any person fraudulently obtaining food, lodging or other accommodation at any hotel or inn, or at any lodging, boarding or eating house. *Prosecution:* On summary conviction. *Penalty:* $100 and costs or 3 months.

2. *Overcharging Seamen for Board and Lodging.—See* SHIPPING 45.

3. *Taking Sailors' Necessaries and Effects for Board and Lodging.—See* SHIPPING 46.

Bodily Harm—

1. *Assault Occasioning Actual Bodily Harm. — Statute:* Criminal Code, sec. 295. *Offence:* Any person committing an assault which occasions actual bodily harm. *Prosecution:* On indictment. *Penalty:* 3 years.

2. *Assault on Female, Occasioning Actual Bodily Harm.— Statute:* Criminal Code, sec 292 (c). *Offence:* Any person, assaulting and beating his wife, or any other female, and thereby occasions her actual bodily harm. *Prosecution:* On indictment. *Penalty:* 2 years and whipping.

3. *Causing Bodily Harm to Apprentices or Servants.— Statute:* Criminal Code, sec. 249. *Offence:* Any person being legally liable as master or mistress to provide for any apprentice or servant, unlawfully does or cause to be done, any bodily harm, to any such apprentice or servant so that the life of such apprentice or servant is endangered, or the health of such apprentice or servant has been or is likely to be permanently injured. *Prosecution:* On indictment. *Penalty:* 3 years.

4. *Wounding or Causing Grievous Bodily Harm.—Statute:* Criminal Code, sec. 273. *Offence:* Any person with intent to maim, disfigure or disable any person, or to do some other grievous bodily harm, to any person, or, with intent to resist or prevent the lawful apprehension or detainer of any person, unlawfully by any means, wounds, or causes any grievous bodily harm to any person or shoots at any person, or by drawing a trigger, or in any other manner, attempts to discharge any kind of loaded

arms at any person. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

5. *Inflicting Grievous Bodily Harm with or without Weapon.—Statute:* Criminal Code, sec. 274. *Offence:* Any person unlawfully wounding, or inflicting any grievous bodily harm upon any other person, either with or without any weapon or instrument. *Prosecution:* On indictment. *Penalty:* 3 years.

6. *Unlawfully Wounding or Inflicting Grievous Bodily Harm, with or without Weapon, Triable Summarily under Sec. 773 (c). Statute:* Criminal Code, sec. 773 (c). *Offence:* Any person unlawfully wounding or inflicting grievous bodily harm upon any other person, either with or without a weapon or instrument. *Prosecution:* On summary trial before two Justices of the Peace. *Penalty:* Fine not exceeding (with costs) $200 or 6 months' imprisonment or both.

7. *Administering Poison with Intent to inflict Grievous Bodily Harm.—See* DRUGS.

8. *Administering Poison With Intent to Injure or Annoy.—See* DRUGS.

9. *Causing Grievous Bodily Harm by Explosives.—Statute:* Criminal Code, sec. 279. *Offence:* Any person unlawfully, and by the explosion of any explosive substance, burning, maiming, disfiguring, disabling or doing any grievous bodily harm to any person. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

10. *Negligence on Railways Causing Grievous Bodily Harm. —See* RAILWAYS.

11. *Wilfully Breaking Contract to Endanger Life or to Cause Serious Bodily Injury.—Statute:* Criminal Code, sec. 499 (a). *Offence:* Any person wilfully breaking any contract made by him knowing or having reasonable cause to believe that the probable consequences of his so doing either alone or in combination with others will be to endanger human life or to cause serious bodily injury or to expose valuable property, whether real or personal, to destruction or serious injury. *Prosecution:* On summary conviction before two Justices of the Peace, or on indictment. *Penalty:* On summary conviction before two Justices of the Peace, fine not exceeding $100 or 3 months with or without hard labour. On indictment, $100 fine or 3 months with or without hard labour.

Books—

1. *Trader Failing to Keep Books of Account.—Statute:* Criminal Code, sec. 417 (c). *Offence:* Any person, being a

trader, and indebted to an amount exceeding $1,000, is unable to pay his creditors in full and has not for five years next before such inability, kept such books of account as, according to the usual course of any trade or business in which he may have been engaged, are necessary, to exhibit or explain his transactions, unless he be able to account for his losses, to the satisfaction of the Court or Judge, and to show that the absence of such books was not intended to defraud his creditors. *Prosecution:* On indictment. *Penalty:* Fine $800 and 1 year.

2. *Directors, Managers, and Company Officials, Falsifying Books of Account or Other Documents.—See* FALSIFYING BOOKS.

3. *Officer, Clerk or Servant Falsifying Employers' Books of Account or other Documents.—See* FALSIFYING BOOKS.

4. *Trader Falsifying Books to Defraud Creditors.—See* FALSIFYING BOOKS.

Bottles—

1. *Trafficking in Bottles having Duly Registered Trade Mark.—See* TRADE MARKS 4.

Boundary Marks—

1. *Injuring or Removing Provincial or Municipal Boundary Marks.—Statute:* Criminal Code, sec. 531. *Offence:* Any person wilfully pulling down, defacing, altering or removing any mound, land mark, post or monument, lawfully erected, planted, or placed to mark or determine the boundaries of any province, county, city, town, township, parish or other municipal division. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Injuring or Removing Survey Monuments.—Statute:* Criminal Code, sec. 532. *Offence:* Any person wilfully defacing, altering or removing any mound, land mark, post or monument, lawfully placed by any land surveyor to mark any limit, boundary or angle of any concession, range, lot or parcel of land. *Prosecution:* On indictment. *Penalty:* 5 years.

3. *Destroying Original Survey Marks made under Dominion Lands Survey.—See* SURVEYS 4.

4. *Destroying Survey Marks Under Dominion Lands Surveys Other than Originals.—See* SURVEYS 5.

5. *Possessing Dominion Land Surveys Monuments without Authority.—See* SURVEY 6.

Breach of Contract—

1. *Wilfully Breaking Contract with Danger to Life or Property.—Statute:* Criminal Code, sec. 449 (a). *Offence:*

Any person, wilfully breaking any contract made by him, knowing or having reasonable cause to believe, that the probable consequences of his so doing either alone or in combination with others will be to endanger human life, or to cause serious bodily injury or to expose valuable property, whether real or personal, to destruction or serious injury. *Prosecution:* On indictment or on summary conviction before two Justices of the Peace. *Penalty:* $100 fine or 3 months with or without hard labour whether on summary conviction or indictment.

2. *Person Wilfully Breaking Contract for Supply of Power, Light, Gas or Water.—Statute:* Criminal Code, sec. 499 (*b*). *Offence:* Any person being bound, agreeing, or assuming under any contract made by him with any municipal corporation or authority, or with any company to supply any city or any other place, or any part thereof with electric light or power, gas or water, who wilfully breaks such contract knowing or having reasonable cause to believe that the probable consequences of his so doing either alone or in combination with others will be to deprive the inhabitants of that city or place, or part thereof, wholly or to a great extent of their supply of power, light, gas or water. *Prosecution:* On indictment or on summary conviction before two Justices of the Peace. *Penalty:* $100 fine or 3 months with or without hard labour.

3. *Municipality or Company Supplying Light, Power, Gas or Water, Wilfully Breaking Contract to Supply Same.—Statute:* Criminal Code, sec. 499 (2). *Offence:* Any municipal corporation or authority, or company, bound, agreeing or assuming to supply any city or any other place or any part thereof with electric light or power, gas or water, wilfully breaking any contract made by such municipal corporation, authority or company, knowing or having reason to believe that the probable consequences of its so doing will be to deprive the inhabitants of that city or place or part thereof, wholly or to a great extent, of their supply of electric light or power, gas or water. *Prosecution:* On indictment or on summary conviction before two Justices of the Peace. *Penalty:* Fine not exceeding $1,000.

4. *Railway Company Breaking Mail Contract.—Statute:* Criminal Code, sec. 499 (3). *Offence:* Any railway company, bound, agreeing or assuming to carry His Majesty's mails, or to carry passengers or freight, wilfully breaking any contract made by such railway company knowing or having reason to believe

that the probable consequences of so doing will be to delay or prevent the running of any locomotive engine or tender, or freight or passenger train or car on the railway. *Prosecution:* On indictment, or on summary conviction before two Justices of the Peace. *Penalty:* Fine not exceeding $100.

5. *Neglecting to Post up Law Respecting Breach of Contract.—Statute:* Criminal Code, sec. 500. *Offence:* Any municipal corporation, authority or company, supplying power, gas, light or water, under contract, neglecting to post up copy of section 499 respecting breach of contract, on premises. *Prosecution:* No special procedure mentioned in section 500. *Penalty:* $20 a day during continuation of default.

6. *Defacing Copy of Law Respecting Breach of Contract when Posted up on Premises.—Statute:* Criminal Code, sec. 500 (3). *Offence:* Any person unlawfully injuring, defacing or covering up any copy of section 499, posted up on premises of company supplying power, light, gas or water under contract. *Prosecution:* On summary conviction. *Penalty:* $10.

Breach of Trust—

1. *Criminal Breach of Trust.—Statute:* Criminal Code, sec. 390. *Offence:* Any person being a trustee of any property, for the use or benefit either in whole or in part of some other person, or for any public or charitable purpose, with intent to defraud, and in violation of his trust, converting anything of which he is a trustee to any use not authorized by the trust. *Prosecution:* On indictment. *Penalty:* 7 years. *Special Provisions:* Consent of Attorney-General to prosecution.

2. *Breach of Trust by Public Officer.—Statute:* Criminal Code, sec. 160. *Offence:* Any public officer who in the discharge of the duties of his office, commits any fraud, or breach of trust affecting the public, whether such fraud or breach of trust would have been criminal or not, if committed against a private person. *Prosecution:* On indictment. *Penalty:* 5 years.

Breaking and Entering—

1. *Breaking and Entering Place of Public Worship and Committing Offence.—Statute:* Criminal Code, sec. 455. *Offence:* Any person:—1, Breaking and entering any place of public worship, and committing any indictable offence therein; or 2, having committed any indictable offence therein, breaks out of such place. *Prosecution:* On indictment. *Penalty:* 14 years.

2. *Breaking and Entering Place of Public Worship with Intent to Commit Offence.—Statute:* Criminal Code, sec. 456.

Offence: Any person breaking and entering any place of public worship with intent to commit any indictable offence therein. *Prosecution:* On indictment. *Penalty:* 7 years.

3. *Breaking and Entering Dwelling House by Night.—Statute:* Criminal Code, sec. 457. *Offence:* Any person:—1, Breaking and entering a dwelling house by night with intent to commit any indictable offence therein; or 2, breaking out of any dwelling house by night, with intent to commit any indictable offence therein, or after having entered such dwelling-house either by day or by night, with intent to commit an indictable offence. *Prosecution:* On indictment. *Penalty:* Life imprisonment and where an offensive weapon is found on the person of the offender when arrested, or when he committed the offence, to be whipped.

4. *Breaking and Entering Dwelling House by Day and Committing Offence.—Statute:* Criminal Code, sec. 458. *Offence:* Any person:—1, Breaking and entering any dwelling house by day and committing any indictable offence therein; or, 2, breaking out of any dwelling house by day after having committed any indictable offence therein. *Prosecution:* On indictment. *Penalty:* 14 years.

5. *Breaking and Entering Dwelling House by Day with Intent to Commit Offence.—Statute:* Criminal Code, sec. 459. *Offence:* Any person, by day, breaking and entering any dwelling house with intent to commit any indictable offence therein. *Prosecution:* On indictment. *Penalty:* 7 years.

6. *Breaking and Entering Shop, School House, or Fox Pen, and Committing an Indictable Offence.—Statute:* Criminal Code, sec. 460. *Offence:* Any person, either by day or night, breaking and entering and committing any indictable offence in a school house, shop, warehouse or counting house, or any building within the curtilage of a dwelling house, but not so connected therewith as to form part of it, or in any pen, cage, den, or enclosure, in which fur bearing animals, wild by nature, are kept in captivity for trading or commercial purposes. *Prosecution:* On indictment. *Penalty:* 14 years.

7. *Breaking and Entering Shop, School House, or Fox Pen with intent.—Statute:* Criminal Code, sec. 461. *Offence:* Any person either by day or by night breaking and entering any school house, shop, warehouse or counting house, or any building within the curtilage of a dwelling house, but not so connected therewith as to form part of it, or any pen, cage, den, or

enclosure, in which fur bearing animals, wild by nature, are kept in captivity for trading or commercial purposes, with intent to commit any indictable offence therein. *Prosecution:* On indictment. *Penalty:* 7 years.

8. *Being Found in a Dwelling House at Night.—Statute:* Criminal Code, sec. 462. *Offence:* Any person unlawfully entering, or is in any dwelling house by night with intent to commit any indictable offence therein. *Prosecution:* On indictment. *Penalty:* 7 years.

9. *Being Armed, with Intent to Break, by Day.—Statute:* Criminal Code, sec. 463 (*a*). *Offence:* Any person being found armed with any dangerous or offensive weapon or instrument, by day, with intent to break or enter any dwelling house and to commit any indictable offence therein. *Prosecution:* On indictment. *Penalty:* 7 years.

10. *Being Armed, with Intent to Break, by Night.—Statute:* Criminal Code, sec. 463 (*b*). *Offence:* Any person being found armed with any dangerous or offensive weapon or instrument, by night, with intent to break into any building and to commit any indictable offence therein. *Prosecution:* On indictment. *Penalty:* 7 years.

11. *Being in Possession of House-breaking Tools at Night.—Statute:* Criminal Code, sec. 464 (*a*). *Offence:* Any person, being found in possession by night, without lawful excuse (the proof of which shall lie on him) any instrument of house-breaking. *Prosecution:* On indictment. *Penalty:* 5 years.

12. *Being in Possession of House-breaking Tools by Day.—Statute:* Criminal Code, sec. 464 (*b*). *Offence:* Any person found in possession, by day, with instrument of house-breaking, with intent to commit any indictable offence. *Prosecution:* On indictment. *Penalty:* 5 years.

13. *Being Found Disguised by Night.—Statute:* Criminal Code, sec. 464 (*c*). *Offence:* Any person found having his face masked or blackened, or being otherwise disguised, by night, without lawful excuse (the proof whereof shall lie on him), *Prosecution:* On indictment. *Penalty:* 5 years.

14. *Being Found Disguised by Day. — Statute:* Criminal Code, sec. 464 (*d*). *Offence:* Any person being found having his face masked or blackened or being otherwise disguised by day, with intent to commit any indictable offence. *Prosecution:* On indictment. *Penalty:* 5 years.

Breweries—

1. *Brewing Without a License.—See* INLAND REVENUE 22.

2. *Possessing Brewing Apparatus Without Making Return to Government.—See* INLAND REVENUE 23.

3. *Illicit Stills.—See* INLAND REVENUE 17.

4. *Adding Substances to Malt without Reporting to Inland Revenue.—See* INLAND REVENUE 24.

Bribery and Corruption—

1. *Bribing Judiciary and Members of Parliament.—Statute:* Criminal Code, sec. 156. *Offence:* 1, Accepting.—Any person while holding office or being a member of parliament, or of a legislature, corruptly accepting or obtaining or agreeing to accept, or attempting to obtain, for himself or any other person any money or valuable consideration, office, place, or appointment, on account of anything already done, or omitted, or to be afterwards done or omitted, by him in his judicial capacity, or in his capacity as such member; 2, Offering.—Any person, corruptly giving or offering to any such person or to any other person, any bribe as aforesaid, on account of any such act or omission. *Prosecution:* On indictment with consent of Attorney-General. *Penalty:* 14 years.

2. *Bribing Public Officers, Peace Officers, Justices of the Peace.—Statute:* Criminal Code, sec. 157. *Offence:* 1, Receiving.—Any person being a Justice, peace officer, or public officer, employed in any capacity for the prosecution or detection or punishment of offenders, corruptly accepting or obtaining or agreeing to accept or attempting to obtain, for himself or for any other person any money, or valuable consideration, office, place or employment, with the intent to interfere corruptly with the due administration of Justice or to procure, or facilitate, the commission of any crime, or to protect from detection or punishment any person having committed or intending to commit any crime. 2, Offering.—Any person corruptly giving or offering to any officer aforesaid any such bribe as aforesaid with any such intent. *Prosecution:* On indictment. *Penalty:* 14 years.

3. *Government Contracts, Procuring by Bribery and Corruption.—Statute:* Criminal Code, sec. 158. *Offence:* 1, Offering.—Any person making any offer, proposal, gift, loan or promise, or giving or offering any compensation, or consideration directly or indirectly to any official, or person in the employment of the Government, or to any member of his family or to any person under his control, or for his benefit, with intent to obtain

the assistance or influence of such official or person to promote either the procuring of any contract, with the Government, for the performance of any work, the doing of anything or the furnishing of any goods, effects, food, or materials, the execution of any such contract, or the payment of the price or consideration stipulated therein, or any part thereof, or of any aid, or subsidy payable in respect thereof. 2, Accepting.—Any official or person in the employment of the Government, directly or indirectly, accepting or agreeing to accept or allowing to be accepted by any person under his control, or for his benefit, any such offer, proposal, gift, loan, promise, compensation, or consideration. *Prosecution:* On indictment. *Penalty:* Fine not less than $100, and not exceeding $1,000, and imprisonment not less than 1 month nor more than 1 year. Imprisonment on default of payment of fine, further period not exceeding 6 months. Increased penalties can be imposed where the value of the gift exceeds $1,000. Disability to hold office or contract, follows conviction.

4. *Government Contracts, Withdrawal of Tenders.—Statute:* Criminal Code, sec. 158 (*c*), (*d*). *Offence:* 1, Offering.—Any person, in the case of tenders being called for, by or on behalf of the government, for the performance of any work, the doing of any thing, or the furnishing of any goods, effects, food or materials, directly or indirectly by himself or by the agency of any other person on his behalf with intent to obtain the contract therefor, either for himself or for any other person, offers to make, or makes any gift, loan, offer, or promise; or offers, or gives any consideration or compensation whatsoever to any person tendering for such work or other service, or to any member of his family, or other person for his benefit, to induce such person to withdraw his tender for such work, or other service or to compensate or reward him for having withdrawn, such tender. 2, Accepting.—Any person, in the case of tendering for the performance of any work, the doing of anything, or the furnishing of any goods, effects, food or materials, for the Government, when tenders are called for, by or on behalf of the Government, accepts or receives, directly or indirectly, or permits or allows to be accepted or received, by any member of his family, or by any other person under his control, or for his benefit, any such gift, loan, offer, promise, consideration or compensation, as a consideration or reward, for withdrawing or having withdrawn such tender. *Prosecution:* On indictment.

Penalty: Fine not less than $100, and not exceeding $1,000, and imprisonment not less than 1 month nor more than 1 year. Imprisonment in default of payment of fine, further period not exceeding 6 months. Increased penalties can be imposed where consideration received exceeds $1,000. Disability to hold office or contract follows conviction. *Special Provisions:* Limitation of Action.

5. *Government Business, Facilitating.—Statute:* Criminal Code, sec. 158 (*e*). *Offences:* 1, Receiving.—Any person, being an official or employee of the government, receiving, directly or indirectly, whether personally or by or through any member of his family, or person under his control, or for his benefit any gift, loan, promise, compensation, or consideration whatsoever, either in money or otherwise, from any person whomsoever, for assisting or favouring any individual in the transaction of any business whatsoever with the government. 2, Offering.—Any person giving or offering any such gift, loan, promise, compensation, or consideration. *Prosecution:* On indictment. *Penalty:* Fine not less than $100 and not exceeding $1,000, and imprisonment not less than one month nor more than 1 year. Imprisonment in default of payment of fine a further period not exceeding 6 months. *Special Provisions:* Limitation of Action. Increased penalty where amount received exceeds $1,000. Disability to hold office following conviction.

6. *Government Appointments, Leases, Benefits or Settlement of Claims.—Statute:* Criminal Code, sec. 158 (*f*). *Offence:* 1, Receiving.—Any person by reason of, or under the pretence of possessing influence with the government, or with any minister or official thereof, demanding, exacting or receiving from any person, any compensation, fee, or reward, for procuring from the government the payment of any claim, or of any portion thereof, or for procuring or furthering the appointment of himself or of any other person to any office, place, or employment, or for procuring or furthering the obtaining for himself or any other person of any grant, lease or other benefit, from the government. 2, Offering.—Any person offering, promising or paying to such person, under the circumstances and for the causes aforesaid, or any of them, any such compensation, fee or reward. *Prosecution:* On indictment. *Penalty:* Fine not less than $100 and not more than $1,000, and imprisonment for a term not exceeding 1 year. Imprisonment in default of payment of fine, further term not exceeding 6 months. *Special Provisions:*

Limitation of Action. Increased penalties where amount received exceeds $1,000. Disability to hold office after conviction.

7. *Government Dealings of any Kind—Rewards and Commissions.—Statute:* Criminal Code, sec. 158 (*g*). *Offence:* 1, Giving.—Any person having dealings of any kind with the government through any department thereof, pays to any employee or official of the government, or to any member of the family of such employee, or official, or to any person under his control or for his benefit, any commission or reward; *or,* within one year before or after such dealings, without the express permission in writing of the head of the department with which such dealings have been had, the proof of which permission shall be on him, making any gift, loan, or promise, of any money, matter or thing to any such employee or other person aforesaid. 2, Accepting.—Any person, being an employee or official of the government, demanding, exacting or receiving from such person directly or indirectly by himself or by or through any other person for his benefit, or permits or allows any member of his family or any person under his control to accept or receive any such commission or reward, or within the said period of one year, without the express permission in writing of the head of the department with which such dealings have been had, the proof of which permission shall be upon him, accepting or receiving any such gift, loan, or promise. *Prosecution:* On indictment. *Penalty:* Fine not less than $100, and not exceeding $1,000, and imprisonment in addition not less than 1 month nor more than 1 year. Imprisonment in default of fine, further term not exceeding 6 months. *Special Provisions:* Limitation of Action. Disability on conviction.

8. *Government Contracts, Election Fund Subscriptions.—Statute:* Criminal Code, sec. 158 (i). *Offence:* Any person having any contract with the government for the performance of any work, the doing of anything, or the furnishing of any goods, effects, food, or materials, and having or expecting to have any claim or demand against the government by reason of such contract, directly or indirectly, by himself or by any person on his behalf, subscribing, furnishing or giving or promising to subscribe, furnish or give any money or other valuable consideration for the purpose of promoting the election of any candidate, or of any number, class or party of candidates, to a legislature or parliament, or with the intent in any way of

influencing or affecting the result of a provincial or Dominion election. *Prosecution:* On indictment. *Penalty:* Fine not exceeding $1,000 and not less than $100, and in addition, imprisonment not less than 1 month nor more than 1 year. Imprisonment in default of payment of fine 6 months. *Special Provisions:* Limitation of Action. Disability on conviction.

9. *Corruption to Influence Councillor's Vote.—Statute:* Criminal Code, sec. 161 (*a*) (*d*). *Offence:* Any person directly or indirectly making any offer, proposal, gift, loan, promise or agreement, to pay or give any money or other material compensation or consideration to any member of a municipal council, whether the same is to enure to his own advantage or to the advantage of any other person, for the purpose of inducing such member either to vote or abstain from voting at any meeting of the council of which he is a member, or at any meeting of a committee of such council, in favour of or against any measure, motion, resolution or question submitted to such council or committee. *Prosecution:* On indictment. *Penalty:* Fine not exceeding $1,000 and not less than $100 and imprisonment, in addition not less than 1 month nor more than 2 years. Imprisonment in default not exceeding 6 months. *Special Provisions:* Limitation of Action.

10. *Corruption to Secure Aid of Councillor or Municipal Officer.—Statute:* Criminal Code, sec. 161 (*b*), (*c*) (*d*). *Offence:* 1, Offering.—Any person making any offer, proposal, gift, loan, promise, or agreement, to pay or give any money or other material compensation or consideration to any member, or to any officer, of a municipal council for the purpose of inducing him to aid in procuring or preventing the passing of any vote, or the granting of any contract, or advantage in favour of any person; *or,* making any offer, proposal, gift, loan, promise or agreement to pay or give any money or other material compensation or consideration to any officer of a municipal council for the purpose of inducing him to perform or abstain from performing, or to aid in procuring or preventing the performance of any official act. 2. Accepting.—Any person, being a member or officer of a municipal council accepting any such offer, proposal, gift, loan, promise, agreement, compensation or consideration mentioned in section 161 of the Criminal Code; *or,* in consideration thereof votes, or abstains from voting in favour of or against any measure, motion, resolution, or question or performs or abstains from performing any official act. *Prosecution:* On indictment.

Penalty: Fine not exceeding $1,000 and not less than $100 and imprisonment in addition not exceeding 2 years and not less than 1 month. Imprisonment in default of payment of fine not exceeding 6 months. *Special Provisions:* Limitation of Action.

11. *Threats or Fraud on Municipal Councillors' or Officials' Votes, Contracts and Official Acts.—Statute:* Criminal Code, sec. 161 (*e*) (*f*). *Offence:* Any person attempting, by any threat, deceit, suppression of the truth or other unlawful means, to influence any member of a municipal council, in giving or withholding his vote in favour of or against any measure, motion, resolution or question, or in not attending any meeting of the municipal council of which he is a member or of any committee thereof; *or*, attempting by any such means as in paragraph (*e*) of section 161 of the Criminal Code mentioned, to influence any member, or any officer of a municipal council, to aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person or to perform or abstain from performing, or to aid, in the procuring or preventing the performance of any official act. *Prosecution:* On indictment. *Penalty:* Fine not exceeding $1,000, and not less than $100 and imprisonment in addition, not exceeding 2 years and not less than 1 month. Imprisonment in default of payment of fine, term not exceeding 6 months. *Special Provisions:* Limitation of Actions.

12. *Selling or Purchasing Public Offices.—Statute:* Criminal Code, sec. 162. *Offence:* 1, Selling.—Any person selling, or agreeing to sell, any appointment to or resignation of any office or any consent to any such appointment or resignation; *or*, receiving or agreeing to receive any reward or profit from the sale thereof. 2, Purchasing.—Any person purchasing or giving any reward, or profit, for the purchase of any such appointment, resignation or consent, or agreeing to promise to do so. *Prosecution:* On indictment. *Penalty:* Under section 1052, Code. Additional penalty, forfeiture of right to office and disability from holding same for life.

13. *Aiding and Abetting Sale of Offices.—Statute:* Criminal Code, sec. 163. *Offences:* 1, Receiving Reward.—Any person receiving or agreeing to receive any reward or profit for any interest, request or negotiation, about any office, or under pretence of using any such interest, making any such request, or being concerned in any such negotiation. 2, Giving Reward.—Any person giving, or procuring to be given, any profit or reward, or

making or procuring to be made any agreement for the giving of any profit or reward for any such interest, request or negotiation, as aforesaid. 3, Soliciting appointment.—Any person soliciting, recommending or negotiating in any manner, as to any appointment, to, or resignation of, any office, in expectation of any reward or profit. 4, Keeping office for business of selling appointments.—Any person keeping any office, or place, for transacting or negotiating any business relating to vacancies in, or, the sale or purchase of, or, appointment to, or resignation of, offices. *Prosecution:* On indictment. *Penalty:* Under section 1052, Code.

14. *Corrupting Witnesses and Jurors.—Statute:* Criminal Code, sec. 180. *Offences:* 1, Corrupting Witness.—Any person dissuading or attempting to dissuade, any person by threats, bribes, or other corrupt means, from giving evidence in any cause or matter, civil or criminal. 2, Corrupting Juryman.—Any person influencing or attempting to influence by threats or bribes, or other corrupt means, any juryman, in his conduct as such, whether such person has been sworn as a juryman or not. 3, Accepting Bribes.—Any person accepting any bribe or other corrupt consideration, to abstain from giving evidence or on account of his conduct as juryman. 4, Perverting Justice.—Any person wilfully attempting in any way to obstruct, pervert, or defeat the course of Justice. *Prosecution:* On indictment, 2 years.

15. *Quebec Savings Bank Officials.—See* QUEBEC SAVINGS BANK 3.

16. *General Revenue Collectors.—See* REVENUE 1, 7, 8.

17. *Agents Collecting Secret Commissions.—See* SECRET COMMISSIONS 1, 2.

18. *Shipping Pilots.—See* SHIPPING 107.

19. *Grain Inspectors.—See* GRAIN 9.

20. *Bank Officials.—See* BANKS 3.

21. *Meat and Canned Food Inspectors. — See* CANNED FOODS 6.

22. *Customs Officials.—See* CUSTOMS OFFICIALS 61, 62.

23. *Dominion Electors.—See* DOMINION ELECTIONS 21.

Bridges—

1. *Company to Which Bridge Act Applies, Opening its Bridge to Public Without Notice to Board of Railway Commissioners.—Statute: Bridge Act,* R. S. C. 1906, ch. 109, sec. 21, *Offence:* Any company to which the *Bridge Act* applies, open-

ing its bridge to the public before giving notice to Board of Railway Commissioners as required by the Act. *Penalty:* $200 a day during period which bridge continues open in violation of the Act.

2. *Company to Which Bridge Act Applies, Opening its Bridge to the Public, Contrary to Order of Board of Railway Commissioners.—Statute: Bridge Act,* R. S. C. 1906, ch. 109, sec. 22. *Offence:* Any company to which the *Bridge Act* applies opening any bridge for public use contrary to the order of the Board of Railway Commissioners issued pursuant to the Act, postponing the time for opening same. *Penalty:* $200 a day during period which the bridge continues open in violation of the order of the Board.

3. *Company to Which Bridge Act Applies, Failing to Report Accidents.—Statute: Bridge Act,* R. S. C. 1906, ch. 109, sec. 23. *Offence:* Any company to which the *Bridge Act* applies, wilfully omitting to report to the Board of Railway Commissioners accidents on or to its bridge. *Penalty:* $200 a day during which omission to give notice continues.

4. *Company to Which Bridge Act Applies, Neglecting to Deliver Returns Under the Act.—Statute:* The *Bridge Act,* R. S. C. 1906, ch. 109, sec. 24. *Offence:* Any company to which the *Bridge Act* applies, neglecting to deliver any returns required by the Act, within 14 days after same have been demanded by the Board. *Penalty:* $100 for every day during which the company neglects to deliver same.

5. *Mischief or Wilful Damage to any Bridge.—Statute:* Criminal Code, sec. 510A. *Offence:* Any person committing mischief, by wilfully destroying or damaging any bridge, whether over any stream of water or not, or any viaduct or aqueduct, over or under which any highway, railway, or canal passes, and the damage is done with intent to render and does render such bridge, viaduct or aqueduct, or the highway, railway or canal passing over or under the same, or any part thereof dangerous or impassable. *Prosecution:* On indictment, as mischief. *Penalty:* Life imprisonment.

Buffalo—

1. *Hunting in North West Territories Without Authority.—See* N. W. T. 1.

Buggery—

1. *Buggery.—Statute:* Criminal Code, sec. 202. *Offence:* Any person committing buggery, either with a human being or

with any other living creature. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

2. *Attempt to Commit Buggery.—Statute:* Criminal Code, sec. 203. *Offence:* Any person attempting to commit any offence under section 202 of Criminal Code respecting buggery. *Prosecution:* On indictment. *Penalty:* 10 years.

Buildings—

1. *Riotous Destruction of Buildings.—Statute:* Criminal Code, sec. 96. *Offence:* Any persons riotously and tumultuously assembled together to the disturbance of the public peace, unlawfully and with force demolishing or pulling down, or beginning to demolish or pull down, any building, or any machinery, whether fixed or movable, or any erection used in farming land, or in carrying on any trade or manufacture, or any erection or structure used in conducting the business of any mine, or any bridge, wagon way or track for conveying minerals from any mine. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

2. *Riotous Damage to Buildings.—Statute:* Criminal Code, sec. 96. *Offence:* Any persons being riotously and tumultuously assembled together to the disturbance of the public peace, unlawfully and with force injuring or damaging any building, or any machinery, whether fixed or movable, or any erection used in farming land, or in carrying on any trade or manufacture, or any erection, or structure, used in conducting the business of any mine or any bridge, wagon way or track for conveying minerals from any mine. *Prosecution:* On indictment. *Penalty:* 7 years.

3. *Theft of Things Fixed to Buildings.—Statute:* Criminal Code, sec. 372. *Offence:* Any person stealing any glass or woodwork, belonging to any building whatsoever or any lead, iron, copper, brass or other metal, or any utensil or fixture whether made of metal or other material, or of both, respectively fixed in or to any building whatsoever, or any thing made of metal fixed in any land, being private property, for a fence to any dwelling house, garden, or area, or in any square or street, or in any place dedicated to public use or ornament, or in any burial ground. *Prosecution:* On indictment. *Penalty:* 7 years.

4. *Occupier or Mortgagor Removing Fixtures or Buildings. —Statute:* Criminal Code, sec. 529. *Offence:* Any person who being possessed of any dwelling house or other building or any

part of any dwelling house, or other building, which is built on lands subject to a mortgage, or which is held for any term of years or other less term, or at will, or held over after the termination of any tenancy, wilfully and to the prejudice of the mortgagee or owner:—1, Pulls down or demolishes, or begins to pull down or demolish, the same or any part thereof, or removes or begins to remove the same or any part thereof from the premises on which it is erected; 2, pulls down, or severs from the freehold, any fixture fixed in or to such dwelling house, or building or part of such dwelling house or building. *Prosecution:* On indictment. *Penalty:* 5 years.

5. *Wilfully Setting Fire to Buildings.—See* ARSON.

Burglary—

1. *Breaking and Entering Dwelling House by Night.—See* BREAKING AND ENTERING 3.

Business Profits—

1. *Failing to Make Return Under Business Profits War Tax Act.—See* WAR 25.

2. *False Statements in Return Under Business Profits War Tax Act.—See* WAR 26.

Butter—

1. *Selling Butter Substitutes.—See* DAIRIES AND CREAMERIES 2.

2. *Selling or Manufacturing Butter Below Standard.—See* DAIRIES AND CREAMERIES 3, 4, 5.

Buttons—

1. *Issuing Imitation War Charity Buttons.—See* WAR 29.

By-Elections—

1. *Applying to be Registered at By-Election as Voter in Name of Dead, Fictitious Person, &c.—Statute:* The *Dominion By-Elections Act*, 1919, ch. 48, sec. 2, amending the *Election Act*, R. S. C. 1906, ch. 6, sec. 19. *Offence:* Any person applying under the *Dominion Election Act* to be registered or enumerated as a voter in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person; or, who, having been once registered or enumerated under the *Dominion Elections Act* as a voter entitled to vote at a pending election, applies to be again registered in the same electoral dis-

trict as a voter entitled to vote at the same election (sec. 19). *Penalty:* Same penalties as are provided in *Dominion Elections Act,* for personation (sec. 19). (1919, ch. 48, sec. 2).

2. *Falsely Answering Interrogatories Necessary to Entitle Persons to be Registered at Election as a Voter.—Statute:* The *Dominion By-Elections Act,* 1919, ch. 48, sec. 2, amending the *Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 20. *Offence:* Any person claiming to be registered as a voter, at any registration sittings, and answering and declaring any of the interrogatories necessary to entitle a person to be registered a voter as by the *Dominion Elections Act* provided, knowing the same to be false (sec. 20). *Penalty:* $200 and 6 months' imprisonment. Such penalty to be in addition to any other punishment provided by law (sec. 20). (1919, ch. 48, sec. 2).

3. *Commissioner for Oaths, N. P., J. P., Registrar, &c., Falsely Signing Declarations, &c., at By-Elections.*—The *By-Elections Act,* 1919, ch. 48, sec. 2, amending the *Dominion Elections Act,* R.S.C. 1906, ch. 6, sec. 21. *Offence:* Any registrar, deputy registrar, notary public, commissioner for oaths, Justice of the Peace, or other functionary or person falsely signing any statutory declaration to be used for the purpose of procuring the registration of voters under the *Dominion Elections Act,* certifying or declaring that such declaration was made before him, or signing it prior to the same being signed by the person purporting to declare to the same or otherwise than in the presence of the declarant (sec. 21). *Penalty:* $200 and 6 months' imprisonment (sec. 21).

4. *Illegally Voting at Dominion By-Election.—Statute: Dominion By-Election Act,* 1919, ch. 48, sec. 2, amending the *Dominion Election Act,* R. S. C. 1906, ch. 6, sec. 275. *Offence:* Any person voting, or inducing or procuring any person to vote at an election, knowing that he or such person is not entitled to vote thereat (sec. 275). *Penalty:* 2 years' imprisonment and in addition to such punishment, shall forfeit $200 to person suing therefor with costs (sec. 275). (1919, ch. 48, sec. 2).

C.

Canals—

1. *Neglecting to Attend and be Examined Under the Railway and Canal Act, when Summoned by Minister.—Statute:* The *Department of Railways and Canals Act,* R. S. C. 1906, ch. 35, sec. 12 (2). *Offence:* Any person neglecting to comply

with the summons of the Minister of Railways and Canals, to attend and be examined touching any matter on which his action is required. *Prosecution:* On summary conviction. *Penalty:* $20.

2. *Wilful Negligence of Canal Employee, Causing Injury or Risk.—Statute:* The *Department of Railways and Canals Act,* R. S. C. 1906, ch. 35, sec. 26. *Offence:* Any officer, servant or employee of the Minister of Railways and Canals wilfully or negligently violating any order or regulation of the department, or any Order-in-Council respecting the canal on which he is employed, and of which a copy has been delivered to him or has been posted up or open to his inspection in some place where he performs his work or duties, such violation causing injury to any property or any person, or renders such risk greater, although no actual injury occurs, thereby violating sec. 26 of the *Department of Railways and Canals Act,* R. S. C. 1906, ch. 35. *Prosecution:* On indictment and summary conviction, one Justice of the Peace. *Penalties:* 1, On indictment.—According as the Court before which the conviction is had, considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, to a penalty not exceeding $400, or imprisonment not exceeding 5 years, or in discretion of Court, to both fine and imprisonment. 2, On summary conviction.—Where such violation does not cause injury to any property or person, or expose any property or person to the risk or injury or make such risk greater than it would have been but for such violation of the officer, servant or other person guilty thereof shall incur a penalty not exceeding 15 days' departmental pay, in the discretion of the Justice of the Peace before whom the conviction is had, with costs. *Special Provisions:* Moieties.

Canned Foods—

1. *Sale of Diseased Meat.—Statute:* The *Meat and Canned Food Act,* 1907, ch. 27, sec. 10. *Offence:* Any person slaughtering, permitting the slaughtering of, animals, or selling, offering for sale, or transporting for food purposes, for export, a carcass, or any portion or product thereof which is unhealthy or unfit for food. *Prosecution:* On indictment. *Penalty:* 1st offence, 1 year's imprisonment; 2nd offence, 2 years'. *Special Provisions:* This offence and section applies only to certain establishments designated by Order-in-Council, see the *Meat and Canned Foods Act,* 1907, ch. 27, sec. 10, as amended, 1910, ch. 38, sec. 6.

2. *Unlawful Sale or Possession of Articles which have not Complied with the Meat and Canned Foods Act.—Statute:* The

Meat and Canned Foods Act, 1907, ch. 27, sec. 15A, as amended 1908, ch. 47, sec. 3. *Offence:* Any person offering, or exposing, or having in possession for sale, any article subject to inspection, without having complied with all the requirements of the *Meat and Canned Foods Act*, 1907. *Prosecution:* Summary trial under Part XV., two Justices of the Peace or Police Magistrate, having powers of two Justices of the Peace. *Penalty:* $500.

3. *Tampering with Marks Attached in Accordance with Meat and Canned Foods Act.—Statute:* The *Meat and Canned Foods Act*, 1907, ch. 27, sec. 18, as amended, 1910, ch. 38, sec. 10. *Offences:* Any person, without authority:—1, Wilfully and wrongfully using or imitating any mark, tag, label, or certificate, placed on or attached to any article in accordance with the provisions of the *Meat and Canned Foods Act*, or any regulation made thereunder; or, 2, wilfully and wrongfully, removing, altering, effacing or obliterating or causing to be removed, altered, effaced, or obliterated, wholly or partially, any such mark, tag, label or certificate. *Prosecution:* Summary trial, Part XV., Criminal Code, two Justices of the Peace or Police Magistrate having powers of two Justices of the Peace. *Penalty:* $100.

4. *Obstructing Inspector Under Meat and Canned Foods Act,—Statute:* The *Meat and Canned Foods Act*, 1907, ch. 27, sec. 23, as amended 1908, ch. 47, sec. 5. *Offence:* Any person refusing to admit, obstructing, or impeding inspection or other officer executing the *Meat and Canned Foods Act*, or any order, or regulation thereunder, or any person aiding and abetting such obstruction. *Prosecution:* Summary conviction Part XV. Criminal Code, two Justices of the Peace or Police Magistrate having powers of two Justices of the Peace. *Penalty:* $500. Special Provisions: Arrest without warrant, detention not to exceed 24 hours, accused to be brought before Justice.

5. *Unlawful Removal of Goods Without Complying with Meat and Canned Foods Act.—Statute:* The *Meat and Canned Foods Act*, 1917, ch. 27, sec. 24, as amended 1908, ch. 47, sec. 5. *Offence:* Any person moving or causing to be moved, any animal or article in violation of the *Meat and Canned Foods Act*. *Prosecution:* On summary conviction, Part XV. Criminal Code, two Justices of the Peace or Magistrate having powers of two Justices of the Peace. *Penalty:* $500. *Special Provisions:* Arrest without warrant.

6. *Bribery and Corruption of Officials Acting Under the Meat and Canned Foods Act.—Statute:* The *Meat and Canned Foods Act,* 1907, ch. 27, sec. 25. *Offence:* Any person being guilty of bribery or corruption of inspectors, officials or employees carrying out the *Meat and Canned Foods Act,* 1907. *Prosecution:* Under Criminal Code as bribery and corruption of an employee of the government. *Penalties:* Under Criminal Code.

Carnal Knowledge—

1. *Carnally Knowing Girl Under 14 Years.—Statute:* Criminal Code, sec. 301. *Offence:* Any person carnally knowing any girl under the age of 14 years not being his wife, whether he believes her to be of or above that age or not. *Prosecution:* On indictment. *Penalty:* Life imprisonment and whipping.

2. *Attempt to Carnally Know Girl Under 14 Years.—Statute:* Criminal Code, sec. 302. *Offence:* Any person attempting to have unlawful carnal knowledge of any girl under the age of 14 years. *Prosecution:* On indictment. *Penalty:* 2 years and whipping.

3. *Seduction of Girl Between 14 and 16 Years.—See* SEDUCTION 1.

4. *Seduction Under Promise of Marriage.—See* SEDUCTION 2.

5. *Seduction of Ward by Guardian.—See* SEDUCTION 3.

6. *Seduction of Female Employee.—See* SEDUCTION 4.

7. *Seducing Female Passengers on Vessel. — See* SEDUCTION 5.

8. *Rape and Attempts.—See* RAPE 1, 2.

9. *Administering Liquors or Drug with Intent to Obtain Carnal Knowledge.—Statute:* Criminal Code, sec. 216 (*k*). *Offence:* Any person applying, administering to, or causing to be taken by any woman or girl any drug, intoxicating liquor, matter or thing with intent to stupefy or overpower, so as thereby to enable any person to have unlawful carnal connection with such woman or girl. *Prosecution:* On indictment. *Penalty:* 1st offence, 5 years; 2nd and subsequent offences, 5 years and whipping in addition.

10. *Owner or Occupier Permitting Carnal Knowledge on His Premises.—Statute:* Criminal Code, sec. 217. *Offence:* Any person being the owner or occupier of any premises or having or acting, or assisting in, the management or control thereof, induces or knowingly suffers, any girl under the age of 18 years

to resort to or be in, or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally. *Prosecution:* On indictment. *Penalty:* 10 years imprisonment where the girl is under 14 years of age, and 2 years imprisonment where the girl is above the age of 14 years.

11. *Carnal Knowledge of Idiots.—Statute:* Criminal Code, sec. 219. *Offence:* Any person unlawfully and carnally knowing, or attempting to have unlawful carnal knowledge of any female idiot or imbecile, insane or deaf and dumb woman, or girl, under circumstances which do not amount to rape, but where the offender knew or had good reason to believe, at the time of the offence that the woman or girl was an idiot or imbecile, or deaf and dumb. *Prosecution:* On indictment. *Penalty:* 4 years.

12. *Procuring Girls or Women for Unlawful Carnal Knowledge.—See* PROCURING 1-7.

Carriage by Water—

1. *Making Illegal or Defective Bills of Lading.—Statute:* The *Water Carriage of Goods Act,* 1910, ch. 61, sec. 12 (*a*). *Offence:* Any owner, charterer, master, or agent of ship:—1, Inserting in any bill of lading or similar document of title to goods, any clause, covenant, or agreement, declared by the *Water Carriage of Goods Act,* to be illegal; or, 2, making, signing, or executing any bill of lading, or similar document of title to goods, containing any clause, covenant or agreement declared by the said Act to be illegal, without incorporating, verbatim, in conspicuous type, in the same bill of lading, or similar documents of title to goods, a copy of section 4 of the *Water Carriage of Goods Act* 1910. *Prosecution:* Ship to be libelled in admiralty district where found. *Penalty:* Fine not exceeding $1,000 and costs. *Special Provisions:* Court may order payment of portion of penalty with full costs, to the person injured, balance paid to Dominion Government for general revenue.

2. *Refusing to Issue Bill of Lading.—Statute:* The *Water Carriage of Goods Act,* 1910, ch. 61, 1910, sec. 12 (*b*). *Offence:* Any owner, charterer, master or agent of ship, refusing to issue to a shipper of goods, a bill of lading as provided by the *Water Carriage of Goods Act,* 1910. *Prosecution:* Ship to be libelled in admiralty district where found. *Penalty:* Fine not exceeding $1,000 and costs. *Special Provisions:* Court may order payment

of portion of penalty, with full costs, to the person injured, balance payable to Dominion Government.

3. *Refusing to Give Notice of Ship's Arrival.—Statute:* The *Water Carriage of Goods Act,* 1910, sec. 12 (*c*). *Offence:* Any owner, charterer, master, or agent of ship, refusing or neglecting to give notice of arrival of ship as required by the *Water Carriage of Goods Act,* 1910. *Prosecution:* Ship to be libelled in admiralty district where found. *Penalty:* $1,000 and costs. *Special Provisions:* Court may order payment of portion of penalty, with full costs, to person injured, balance payable to Dominion Government.

4. *Shipping Inflammable or Dangerous Goods or Explosives Without Disclosing Same.—Statute:* The *Water Carriage of Goods Act,* 1910, sec. 13. *Offence:* Any person knowingly shipping goods of an inflammable or explosive nature, or of a dangerous nature, without, before shipping the goods, making full disclosure in writing of their nature, to and obtaining the permission in writing of the agent, master or person in charge of the ship. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $1,000.

Casks—

1. *Wrongfully Marking Measure of Cask.—See* WEIGHTS AND MEASURES 19.

2. *Wrongfully Marking Flour Barrels.—See* INSPECTION AND SALE 14.

Cattle—

1. *Cattle Stealing.—Statute:* Criminal Code, sec. 369. *Offence:* Any person stealing any cattle. *Prosecution:* On indictment. *Penalty:* 14 years.

2. *Selling or Having in Possession Stray Cattle with Intent to Defraud.—Statute:* Criminal Code, sec. 392. *Offence:* Any person, without the consent of the owner thereof, fraudulently takes, holds, keeps in possession, conceals, receives, appropriates, purchases or sells, or fraudulently causes or procures or assists in the taking possession, concealing, appropriating, purchasing or selling, of any cattle which are found astray. *Prosecution:* On indictment. *Penalty:* 3 years.

3. *Fraudulently Refusing to Deliver up Stray Cattle.—Statute:* Criminal Code, sec. 392 (*b*). *Offence:* Any person, fraudulently, refusing to deliver up any cattle found astray, to the proper owner thereof, or to the person in charge thereof on

behalf of such owner, or authorized by such owner to receive such cattle. *Prosecution:* On indictment. *Penalty:* 3 years.

4. *Defacing Brands on Cattle.—Statute:* Criminal Code, sec. 392 (*c*). *Offence:* Any person, without the consent of the owner, fraudulently, wholly or partially, obliterating or altering or defacing, or causing or procuring to be obliterated, altered or defaced, any brand, or mark on any cattle, or making or causing or procuring to be made, any false or counterfeit brand or mark on any cattle. *Prosecution:* On indictment. *Penalty:* 3 years.

5. *Attempt to Kill, Maim, or Poison Cattle.—Statute:* Criminal Code, sec. 536. *Offence:* Any person, wilfully attempting to kill, maim, wound, poison or injure any cattle or the young thereof; or, places poison in such a position as to be easily partaken of by any such animal. *Prosecution:* On indictment. *Penalty:* 2 years.

6. *Sending Letters Threatening to Kill or Injure Cattle.—Statute:* Criminal Code, sec. 538. *Offence:* Any person sending, delivering or uttering, or directly or indirectly causing to be received, knowing the contents thereof, any letter or writing threatening to kill, maim, wound, poison or injure cattle. *Prosecution:* On indictment. *Penalty:* 2 years.

7. *Neglecting to Rest, Feed and Water Cattle in Transit.—See* CRUELTY TO ANIMALS.

8. *Sale of Commercial Feeding Stuffs for Live Stock.—See* COMMERCIAL FEEDING STUFFS.

9. *Recording Fraudulent Pedigree for Live Stock.—See* LIVE STOCK.

10. *Inspection and Shipping of Cattle by Sea.—See* LIVE STOCK.

11. *Stock Yards and Exchanges, Control and Management.—See* STOCK YARDS AND EXCHANGES.

12. *Straying on Government Railways.—See* RAILWAYS 12.

Census—

1. *Offences in Connection with Taking Census.—See* STATISTICS 1-3.

Charities—

1. *Making Appeal for Unauthorized War Charity.—See* WAR 27.

2. *Issuing Imitations of War Charity Buttons.—See* WAR 29.

Cheating—

1. *Cheating at Play.—Statute:* Criminal Code, sec. 442. *Offence:* Any person who with intent to defraud any person cheats in playing at any game or in holding the stakes, or in betting on any event. *Prosecution:* On indictment. *Penalty:* 3 years.

Cheese—

1. *Adulterating.—See* DAIRIES AND CREAMERIES 7.

Cheques—

1. *War Stamps on Cheques.—See* WAR 17-19.

Children—

1. *Abandoning Child Under Two Years of Age.—Statute:* Criminal Code, sec. 245. *Offence:* Any person unlawfully abandoning or exposing any child under the age of two years whereby its life is endangered or its health permanently injured. *Prosecution:* On indictment. *Penalty:* 3 years.

2. *Killing Unborn Child.—Statute:* Criminal Code, sec. 306. *Offence:* Any person causing the death of any child which has not become a human being in such a manner that he would have been guilty of murder if such child had been born. *Prosecution:* On indictment. *Penalty:* Life imprisonment. *Special Provisions:* No one is guilty of an offence under this section who by means which he in good faith considers necessary for the preservation of the life of the mother of the child, causes the death of any such child before or during its birth.

3. *Corrupting Morals of Child.—Statute:* Criminal Code, sec. 220A. *Offence:* Any person who in a home of a child, by indulgence in sexual immorality, in habitual drunkenness, or in any other form of vice, causes such child to be in danger of being or becoming immoral, dissolute or criminal, or the morals of such child to be injuriously affected or renders the home of such child an unfit place for such child to be in. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $500 or 1 year, or both. *Special Provisions:* The prosecution must be at the instance of some recognized society for the protection of children or an officer of a juvenile court, or upon authorization of the Attorney-General of the province. Limitation of Action, 6 months.

4. *Neglecting to Obtain Assistance in Child Birth.—Statute:* Criminal Code, sec. 271. *Offence:* Any woman being with child, and being about to be delivered, with intent, neglects to provide

reasonable assistance in her delivery, if the child is permanently injured thereby, or dies, either just before or during or shortly after birth, unless she proves that such death or permanent injury was not caused by such neglect, or by any wrongful act to which she was a party. *Prosecution:* On indictment. *Penalty:* 1, If the intent of such neglect be that the child shall not live, imprisonment for life; 2, if the intent of such neglect be to conceal the fact of her having had a child, to imprisonment for 7 years.

5. *Concealing Dead Body of Child.—Statute:* Criminal Code, sec. 272. *Offence:* Any person disposing of the dead body of any child in any manner with intent to conceal the fact that its mother was delivered of it, whether the child died before or during or after birth. *Prosecution:* On indictment. *Penalty:* 2 years.

6. *Child Murder.—Statute:* Criminal Code, sec. 251 (2). *Offence:* Any person killing a child under the circumstances set out in section 251 of the Criminal Code. *Prosecution:* On indictment. *Penalty:* Death under sec. 263.

7. *Neglect to Provide Necessaries of Life for Child.—See* NECESSARIES OF LIFE.

8. *Carnal Knowledge of Child Under 14.—See* CARNAL KNOWLEDGE.

9. *Being or Becoming a Juvenile Delinquent.—See* JUVENILE DELINQUENTS.

10. *Abducting Child.—See* ABDUCTION 1.

11. *Selling Tobacco and Cigarettes to Minors. — See* TOBACCO 1.

12. *Children Smoking Tobacco.—See* TOBACCO 2.

Chinese Immigration—

1. *Carrying Excess Number of Chinese Immigrants.—Statute: Chinese Immigration Act,* R. S. C. 1906, ch. 95, sec. 22. *Offence:* Owner of vessel carrying Chinese immigrants, in excess of one for every fifty tons of vessels tonnage. *Prosecution:* Summary conviction, 1 Justice of the Peace, recorder, police magistrate or stipendiary magistrate. *Penalties:* $200 for each excess immigrant.

2. *Landing Chinese Immigrants Without Permit.—Statute: Chinese Immigration Act,* R. S. C. 1906, ch. 95, sec. 23. *Offence:* Master of vessel carrying Chinese immigrants, landing or permitting to land from his vessel without permit, any person of Chinese origin. *Prosecution:* On summary conviction, one

Justice of the Peace, Recorder, Police or Stipendiary Magistrate. *Penalties:* $500.

3. *Landing Chinese Immigrants Before Payment of Tax.—Statute: Chinese Immigration Act,* R. S. C. 1906, ch. 95, sec. 24. *Offence:* Master of vessel landing any Chinese immigrant before tax payable under the Act has been paid; or, marking false statement respecting number of persons on board vessel. *Prosecution:* On summary conviction, one Justice of the Peace, Police Magistrate, Stipendiary Magistrate, Recorder. *Penalty:* Min., $500; Max., $1,000, and in addition amount of tax to be paid. Imprisonment in default, 12 months.

4. *Prohibited Chinese Immigrant Entering Canada.—Statute: Chinese Immigration Act,* R. S. C. 1906, ch. 95, sec. 25. *Offence:* Being a prohibited person, namely, a pauper, an idiot, or insane person, a person suffering from infectious disease, a prostitute or person living on the avails of prostitution and entering Canada. *Prosecution:* On summary conviction, one Justice of the Peace, Police Magistrate, Stipendiary Magistrate or Recorder. *Penalty:* Imprisonment not exceeding 6 months. and deportation.

5. *Landing Prohibited Chinese Immigrant.—Statute:* The *Chinese Immigration Act,* R. S. C. 1906, ch. 95, sec. 25 (*d*). *Offence:* Any master, conductor, or other person landing any Chinese who is a pauper, an idiot or insane person, or one suffering from infectious disease, or a prostitute or person living on the avails of prostitution. *Prosecution:* On summary conviction, one Justice of the Peace, Police Magistrate, Stipendiary Magistrate, Recorder. *Penalty:* $200 or 6 months' imprisonment.

6. *Neglecting to Comply with Transport Regulations Respecting Chinese Immigrants.—Statute:* The *Chinese Immigration Act,* R. S. C. 1906, ch. 95, sec. 26. *Offence:* Any person failing to comply with the regulations of the Governor-in-Council respecting transportation of Chinese immigrants. *Prosecution:* On summary conviction, one Justice of the Peace, Police Magistrate, Stipendiary Magistrate, or Recorder. *Penalty:* $500.

7. *Organizing Chinese Courts.—Statute:* The *Chinese Immigration Act,* R. S. C. 1906, ch. 95, sec. 28. *Offence:* Any person organizing any court or tribunal of Chinese, to hear and determine any offence, or taking part in the proceedings, or giving evidence or executing decree. *Prosecution:* On indictment. *Penalty:* 12 months' imprisonment or $500 fine or both. *Special Provisions:* There is an exception from this section in favour of an arbitration under provincial law.

8. *Obstructing Immigration Officers.—Statute:* The *Chinese Immigration Act,* R. S. C. 1906, ch. 95, sec. 29. *Offence:* Any person molesting, persecuting, or hindering persons appointed to carry out the provisions of the *Chinese Immigration Act. Prosecution:* On indictment. *Penalty:* 12 months' imprisonment or $500 fine or both.

9. *Contravening Chinese Immigration Act.—Statute:* The *Chinese Immigration Act,* R. S. C. 1906, ch. 95, sec. 30. *Offence:* Any person contravening any of the provisions of the *Chinese Immigration Act,* for which no special punishment has been expressly provided. *Prosecution:* On indictment. *Penalty:* 12 months' imprisonment or $500 fine.

10. *Evading Provisions of Chinese Immigration Act.—Statute:* The *Chinese Immigration Act,* R. S. C. 1906, ch. 95, sec. 27 (1), as amended, 1908 ch. 14, sec. 5. *Offence:* Any person of Chinese origin landing or attempting to land in Canada, without payment of tax; or, wilfully evading the provisions of the Act respecting payment of tax; or, using or attempting to use forged or fraudulent certificate issued to another person. *Prosecution:* On indictment. *Penalty:* 12 months' imprisonment or $500 fine or both. *Special Provisions:* Arrest without warrant. Deportation.

11. *Aiding and Abetting Evasion of Chinese Immigration Act.—Statute:* The *Chinese Immigration Act,* R. S. C. 1906, ch. 95, sec. 27 (2), as amended 1908, ch. 14, sec. 5. *Offence:* Any person wilfully aiding and abetting any person of Chinese origin in an evasion or attempted evasion of the Act. *Prosecution:* On indictment. *Penalty:* 12 months' imprisonment or $500 fine or both.

12. *Refusing to Take on Board Chinese Immigrant for Deportation.—Statute:* The *Chinese Immigration Act,* R. S. C. 1906, ch. 95, sec. 27A, as amended 1908, ch. 14, sec. 6. *Offence:* Any owner or master of vessel, or any railway company refusing to take and convey Chinese immigrant undergoing deportation. *Prosecution:* Not mentioned. *Penalty:* $500 fine.

Civil Service—

1. *Fraudulent Practices in Connection with Civil Service Examinations.—Statute:* The *Civil Service Act,* 1918, ch. 12, sec. 6. *Offence:* Any person proved upon inquiry to have been concerned in any fraudulent practice at any Civil Service examination conducted under the *Dominion Civil Service Act,* or to have been guilty of any breach of the regulations made by

the Governor-in-Council respecting examinations held under the *Dominion Civil Service Act*. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $50 or one month's imprisonment. Removal from list of qualified candidates.

2. *Personation at Civil Service Examinations.—Statute:* The *Civil Service Act*, 1918, ch. 12, sec. 7. *Offence:* Any person at any examination held under the authority of the *Civil Service Act*, 1918, personating any candidate or employing, inducing or allowing any person to personate him, or conniving or assisting at any impersonation. *Prosecution:* On summary conviction. *Penalty:* $200 fine or 6 months' imprisonment, and to be dismissed from the service.

3. *Illegally Obtaining Civil Service Examination Papers. —Statute:* The *Civil Service Act*, 1918, ch. 12, sec. 8. *Offence:* Any person, surreptitiously procuring from any printer or other person, and any person without authority furnishing, to any other person any examination questions paper, or any other paper relating to any such examination under the *Civil Service Act*. *Prosecution:* On summary conviction. *Penalty:* Fine of $200 or 6 months' imprisonment. Dismissal from service. Disqualification for subsequent examinations.

4. *Theft by Government Employees.—See* THEFT 12.

Clergymen—

1. *Obstructing Officiating Clergyman.—Statute:* Criminal Code, sec. 199. *Offence:* Any person by threats, or force, unlawfully obstructing or preventing, or endeavouring to obstruct or prevent any clergyman or other minister, in or from celebrating divine service or otherwise officiating in any church, chapel, meeting house, school house or other place, for divine worship, or in or from the performance of his duty in the lawful burial of the dead in any church yard or other burial place. *Prosecution:* On indictment. *Penalty:* 2 years.

2. *Assaulting Officiating Clergyman. — Statute:* Criminal Code, sec. 200. *Offence:* Any person striking or offering violence to or arrests, upon any civil process, or under the pretence of executing any civil process, any clergyman or other minister who is engaged in or to the knowledge of the offender is about to engage in any of the rights or duties mentioned in section 199 of the Criminal Code, or who, to the knowledge of the offender is going to perform the same, or returning from the performance thereof. *Prosecution:* On indictment. *Penalty:* 2 years.

Coins—

1. *Counterfeiting Gold or Silver Coin.—See* COUNTERFEITING 6, 7.

2. *Gilding to Resemble Coin.—See* COUNTERFEITING 8.

3. *Gilding Silver Coin.—See* COUNTERFEITING 9.

4. *Gilding or Silvering Copper Coin.—See* COUNTERFEITING 10.

5. *Trading in Counterfeit Coin.—See* COUNTERFEITING 11.

6. *Manufacturing or Exporting Counterfeit Coin.—See* COUNTERFEITING 12, 13.

7. *Clipping Coin.—See* COUNTERFEITING 16, 18.

8. *Possessing Counterfeit Coin.—See* COUNTERFEITING 19.

9. *Counterfeiting Foreign Coin.—See* COUNTERFEITING 23, 24.

10. *Uttering Light, Defaced or Counterfeit Coin.—See* COUNTERFEITING, 25, 26, 27, 28, 29.

Cold Storage—

1. *Contravening Cold Storage Warehouse Act, 1914.—Statute:* The *Cold Storage Warehouse Act,* 1914, ch. 22, sec. 8. *Offence:* Any person, firm or corporation, contravening any provision of the *Cold Storage Warehouse Act,* or any regulation made thereunder. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $200 or 6 months, or both fine and imprisonment. *Special Provisions:* Inspector's right of entry and inspection (sec. 6), certain cold storage places excepted from the effect of the Act (sec. 7).

Combines—

1. *Combining to Restrict Manufacture, Trade or Competition in Violation of Combines Investigation Act, 1910.—Statute:* The *Combines Investigation Act,* 1910, ch. 9, sec. 23. *Offence:* Any person continuing to offend after being reported by the Board of Investigation under the *Combines Investigation Act,* 1910, as being guilty of:—(*a*) Unduly limiting the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any article, which may be a subject of trade or commerce; or (*b*) restraining or injuring trade or commerce in relation to any such article; or (*c*) unduly preventing, limiting or lessening the manufacture or production of any such article; or (*d*) unreasonably enhancing the price thereof; or (*e*) unduly preventing or lessening competition, in the production, manufacture, purchase, barter, sale, transportation, storage, or supply

of any such article. *Prosecution:* On indictment. *Penalty:* $1,000 and costs, for each day after the expiration of 10 days (unless extended by Board of Investigation) from the publication of the report of the Board in Canada Gazette.

2. *Contempt of Investigation Board.—Statute:* The *Combines Investigation Act,* 1910, ch. 9, sec. 31. *Offence:* Any person, wilfully, insulting any member of the Board of Investigation under the *Combines Investigation Act,* 1910, or wilfully interrupting the proceedings, or without good cause refuses to give evidence or is guilty (in any other manner) of any wilful contempt in the face of the Board. *Prosecution:* On summary conviction. *Penalty:* $100.

3. *Witness Failing to Attend and Produce Documents Before Investigation Board.—Statute:* The *Combines Investigation Act,* 1910, ch. 9, sec. 36. *Offence:* Any person, duly served with a summons, and travelling expenses paid in accordance with tariff, failing to attend and produce any book, paper or other document or thing as required by summons without good and sufficient cause for such failure. *Prosecution:* On summary conviction. *Penalty:* $100.

4. *Bribery and Corruption of Board Members.—Statute:* The *Combines Investigation Act,* 1910, ch. 9, sec. 40. *Offence:* Any member of the Board of Investigation accepting any perquisite, gift, fee, or gratuity of any kind from any person in any way interested in any matter or thing that is being investigated by the Board. *Prosecution:* On summary conviction. *Penalty:* $1,000. Disqualification as Board member.

5. *Conspiracies in Restraint of Trade in Violation of Criminal Code.—Statute:* Criminal Code, sec. 498. *Offence:* Any person, or corporation, conspiring, combining, agreeing, or arranging with any other person or with any railway, steamship, steamboat, or transportation company, (*a*) To limit transportation facilities; (*b*) to restrain commerce; (*c*) to lessen manufacturing; or (*d*) to lessen competition. *Prosecution:* On indictment. *Penalty:* Fine not exceeding $4,000 and not less than $200 or 2 years' imprisonment. Corporation is liable to penalty not exceeding $10,000 and not less than $1,000. *Special Provisions:* Exception made in favour of combinations of workmen for own protection.

6. *Pooling Profits of Country Elevators.—See* GRAIN 17.

Combines and Fair Prices—

1. *Neglecting to Obey Order of Commerce Board Respecting Combines.—Statute:* The *Combines and Fair Prices Act,* 1919,

ch. 45, sec. 11 (2). *Offence:* Where, upon the hearing of any investigation, the Commerce Board is of opinion that a combine exists, or is being formed, and that the person complained of is a party thereto, the Board can issue and cause to be served on such person an order requiring him to cease or desist from the acts or practices actually proved against him, whether or not these are the same as those alleged in the complaint and which in whole or in part constitute the operations of a combine or the processes of the formation of such, and to cease and desist as well from any other act or practice in pursuance of the operations of such combine or the formation thereof, to the extent to which the Board shall deem it reasonable or necessary to prohibit (sec. 11 (2)). *Penalty:* Penalty for omitting or refusing to cease from practices according to the order of the Commerce Board is $1,000 and costs for each day, after the expiration of 10 days or time extended by Board, or to 2 years' imprisonment (sec. 11 (3)). *Prosecution:* On indictment. Whenever, in the opinion of the Commerce Board, upon or after an investigation held in pursuance of the powers conferred by the "Combines" part of the *Combines and Fair Prices Act,* 1919, an offence has been committed against section 11, the Board can remit to the Attorney-General of any province within which such offence shall have been committed (for such action as such Attorney-General may be pleased to institute because of the conditions appearing) certified copies of the record, including all evidence taken, with statement of facts and recommendation that prosecution be instituted (sec. 11 (4)). *Special Provisions:* No prosecution for an offence against section 11 of the *Combines and Fair Prices Act,* 1919, or against section 498 of the Criminal Code, can be commenced without the written consent of the Board (sec. 11 (5)). This offence can be tried under the speedy trials part of the Code as sec. 581 of the Code is made to apply (sec. 11 (6)).

2. *Food Hoarding and Selling Necessities at Unfair Prices.* —*Statute:* The *Combines and Fair Prices Act,* 1919, ch. 45, sec. 17. *Offence:* No person is allowed to accumulate or withhold from sale any necessary of life beyond an amount thereof reasonably required for the use or consumption of his household or for the ordinary purposes of his business and every person who, at any time, holds any necessary of life beyond an amount thereof so reasonably required, and every person who holds for

the purpose of sale, whether as manufacturer, wholesaler, jobber, retailer, or otherwise, any stock in-trade of any necessary of life must offer for sale the said excess amount, or the said stock in trade as the case may be at prices not higher than are reasonable and just. Exception.—This, however, does not apply or extend to any accumulating or withholding by any farmer, gardener of other person of the products of any farm, garden or other land cultivated by him. Nor is any manufacturer, wholesaler, or jobber, under obligation to sell to other than such classes of persons as are accustomed to purchase from manufacturers, wholesalers or jobbers, respectively. Nor is any person under obligation to sell otherwise than in accordance with the ordinary course of business (sec. 17 (2)). *Prosecution:* Indictment or summary conviction (?) (sec. 22 (1)). *Penalty:* $5,000 or two years or both (sec. 22 (1)). *Special Provisions:* A director or officer of any company or corporation who assents to or acquiesces in the contravention or non-observance by such company or corporation of any of the provisions of the "Fair Prices" part of the Act is guilty of such offence personally and cumulatively with his company or corporation and with his co-directors or associate officers (sec. 22 (1). The speedy trials part of the Code (sec. 581) applicable to these prosecutions (sec. 22 (2)). No prosecution can be commenced otherwise than at the instance of the Attorney-General except upon written leave of the Board, which leave should express whether it is to be prosecuted on indictment or on summary conviction (sec. 21 (1)).

3. *Neglecting to Obey Order of Commerce Board Respecting Fair Prices.—Statute:* The *Combines and Fair Prices Act,* 1919, ch. 45, sec. 20 (2). *Offence:* Whenever in the opinion of the Commerce Board an offence has been committed against the "Fair Prices" part of the *Combines and Fair Prices Act,* 1919, the Board can remit to the Attorney-General of any province within which such offence has been committed (for such action as such Attorney-General may be pleased to institute because of the conditions appearing), certified copies of the returns, evidence, report of examiner, etc. (sec. 20 (1)). The Board may, in lieu of or before so remitting the case to the Attorney-General, declare or find as to the guilt of the person concerned and it may order or prohibit the doing or omission of any act or practice relevant to or connected with the offence and any disobedience by such person of any term of such order is an

indictable offence. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $1,000 and costs for every day after the expiration of 4 days (unless extended) from the date of the service of the order (sec. 20 (2)). *Special Provisions:* Any director, or officer of a company or corporation who assents to or acquiesces in such disobedience by his company or corporation is guilty of such offence personally and cumulatively with his said company or corporation and with his co-directors or associate officers (sec. 20 (2)).

Companies—

I. Any Company.

1. *Any Company Official Destroying or Falsifying Books or Papers of Company.—Statute:* Criminal Code, sec. 413 (*a*). *Offence:* Any person who, being a director, manager, public officer, or member of any body corporate, or public company, with intent to defraud, destroying, altering, mutilating or falsifying, any book, paper, writing or valuable security belonging to the body corporate or public company. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Any Company Official Making False Entries or Omitting Entries for Fraudulent Purposes.—Statute:* Criminal Code, sec. 413 (*b*). *Offence:* Any person, who, being a director, manager, public officer or member of any body corporate, or public company, with intent to defraud, makes or concurs in making any false entry, or omitting, or concurring in omitting to enter any material particular, in any book of account, or other document. *Prosecution:* On indictment. *Penalty:* 7 years.

3. *Any Company Official Publishing False Prospectus.—Statute:* Criminal Code, sec. 414. *Offence:* Any person, who, being a promoter, director, public officer, or manager of any body corporate or public company either existing or intended to be formed, makes, circulates, or publishes, or concurs in making, circulating or publishing any prospectus, statement, or account which he knows to be false, in any material particular, with intent to induce persons, whether ascertained or not, to become shareholders or partners, or with intent to deceive or defraud the members, shareholders, or creditors, or any of them whether ascertained or not, of such body corporate or public company, or with intent to induce any person to entrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof. *Prosecution:* On indictment. *Penalty:* 5 years.

II. Dominion Joint Stock Companies.

4. *Dominion Company Issuing Prospectus Without Filing Copy.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 43A (5), as amended 1917, ch. 25, sec. 7. *Offence:* Any company to which the *Dominion Companies Act* applies, and every person knowingly a party to the issue of a prospectus by a company registered under said Act, issuing a prospectus within the meaning of sec. 43 of said Act as amended before a copy thereof has been filed as required by such Act. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $20 a day for every day from the date of the issue of the prospectus until a copy is filed as required by the Act.

5. *Dominion Company Concealing Name of Creditor Entitled to Object to Reduction of Capital.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 54E, as amended 1917, ch. 25, sec. 8. *Offence:* Any director, manager or officer, of any company to which the *Dominion Companies Act* applies, wilfully concealing the name of any creditor entitled to object to a reduction of capital by the company; *or,* aiding or abetting in or is privy to any such concealment, or misrepresentation. *Prosecution:* On indictment. *Penalty:* 5 years or fine not exceeding $1,000 or both.

6. *Dominion Company Failing to Comply with Section 69B, Requiring Notice of Receivership Order.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 69 (*b*) as added, 1917 ch. 25, sec. 9. *Offence:* Any person making default in complying with the requirements of 69B of the *Dominion Companies Act,* as amended with respect to giving notice to the Secretary of State for Canada, of order or appointment under instrument of receiver, or manager of property of company, within 14 days from the date of order or appointment. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $20 a day for every day during which the default continues.

7. *Dominion Company Failing to Comply with Section 69C of the Companies Act Requiring Receivers and Managers to File Accounts.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 69C, as amended 1917, ch. 25, sec. 9. *Offence:* Any receiver or manager, making default in complying with section 69C of the *Companies Act,* as amended, with respect to filing accounts and giving notice to the Secretary of State of Canada, on ceasing to act as receiver or manager of com-

pany. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $200.

8. *Dominion Company Failing to File Particulars under Section 69A of the Companies Act, Respecting Mortgages or Charges Created by the Company.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 69G (1), as amended 1917, ch. 25, sec. 9. *Offence:* Any Dominion company to which the Act applies, and any director, manager, secretary or other person knowingly a party to the default (unless the registration of the company has been effected on the application of some other person) making default in sending to the Secretary of State of Canada, for registration, particulars of any mortgage or charge created by the company and of issues of debentures of a series requiring registration under sec. 69A of the *Companies Act. Prosecution:* On indictment. *Penalty:* $200 for every day during which default continues.

9. *Dominion Company Failing to Comply with any of the Requirements of Section 69 of the Companies Act Respecting Mortgages and Charges of the Company.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 69G (2), as amended 1917, ch. 25 sec. 9. *Offence:* Subject to the provisions of sec. 69G (1), any dominion company to which the *Companies Act* applies, or any director, manager, and other officer of company knowingly and wilfully authorizing or permitting default in complying with any of the requirements of the *Companies Act,* as to the registration with Secretary of State of Canada of any mortgage or charge created by the company. *Prosecution:* On summary conviction. *Penalty:* $500 fine.

10. *Delivering Debenture of Dominion Company without being Endorsed with Certificate of Registration.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 69G (3), as amended 1917 ch. 25, sec. 9. *Offence:* Any person knowingly and wilfully authorizing or permitting the delivery of any debenture or certificate of debenture stock requiring registration with the Secretary of State of Canada, under the *Companies Act,* without a copy of the certificate or registration being indorsed upon it. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $500.

11. *Dominion Company Omitting to Enter Mortgages in Company Register as Required by the Companies Act.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 69H (2), as amended 1917, ch. 25, sec. 9. *Offence:* Any director, manager

or other officer of the company knowingly and wilfully authorizing or permitting the omission of any entry required to be made in pursuance of section 69H of the *Companies Act. Prosecution:* On summary conviction. *Penalty:* $200.

12. *Dominion Company Officials Refusing to allow Inspection of Mortgages or Register.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 69 (*i*) (2), as amended 1917, ch. 25, sec. 9. *Offence:* Any officer of the company to which the *Companies Act* applies, refusing inspection, and every director and manager of such company, authorizing or knowingly and wilfully permitting the refusal to inspect instruments of mortgage, or the mortgage register of the company. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $20, and an additional fine not exceeding $10 a day during continuance of refusal.

13. *Dominion Company Refusing to allow Debenture Holders to Inspect Registers and have Copy of Trust Deed.—Statute: Companies Act,* R. S. C. 1906, ch. 79, sec. 69J (3), as amended 1917, ch. 25, sec. 9. *Offence:* Any company to which the *Companies Act* applies refusing to allow inspection of trust deed, or to forward copy to debenture holders, and any director, manager, secretary or other officer of the company knowingly authorizing or permitting refusal thereof. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $20 and further fine not exceeding $10 for every day during continuance of refusal or neglect.

14. *Dominion Company Issuing Unsigned Balance Sheets.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 94B (5), as amended 1917, ch. 25, sec. 11. *Offence:* Any company to which the *Companies Act* applies, and every director, or manager, secretary or other officer of the company (knowingly a party to the default) isuing, circulating or publishing copy of balance sheet, not signed in accordance with sec. 94B of the *Companies Act,* or without copy of auditor's report attached. *Prosecution:* On summary conviction. *Penalty:* $200.

15. *Dominion Company Failing to File Annual Returns.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 106 (3) as amended 1917, ch. 25, sec. 13. *Offence:* Any company to which the *Companies Act* applies, making default, and any director, or manager of such company knowingly and wilfully authorizing or permitting default of compliance with sec. 106 of the *Companies Act,* requiring the signing, verification and filing of annual summary. *Prosecution:* On summary conviction. *Penalty:* $20 a day during default.

16. *Dominion Company Offences not Otherwise Provided for.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 113, as amended 1917, ch. 25, sec. 14. *Offence:* Any director, manager, or officer of any company to which the *Companies Act* applies, or acting on its behalf, committing any act contrary to the provisions of the *Companies Act;* or, failing or neglecting to comply with any such provision where no other penalty is specially provided. *Prosecution:* On summary conviction after consent in writing of Secretary of State for Canada, has been obtained. *Penalty:* Fine not more than $1,000, or 1 year, or both. *Special Provisions:* Consent of Secretary of State to prosecution.

17. *Dominion Company Neglecting to keep Painted and Affixed Name of Company with word "Limited."—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 114. *Offence:* Any company to which the *Companies Act* applies, or any director or manager of such company, failing to keep painted or affixed its name with the word "Limited" after it in manner directed by the *Companies Act. Prosecution:* Court of competent jurisdiction. *Penalty:* $20 a day during neglect.

18. *Dominion Company Neglecting to use word "Limited" on Seal.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 115 (1). *Offence:* Any director, manager or officer of company to which the *Companies Act* applies, and every person on its behalf using or authorizing the use of any seal purporting to be a seal of the company where its name with the word "Limited" after it is not engraven in legible characters. *Prosecution:* Court of competent jurisdiction. *Penalty:* $200.

19. *Dominion Company Neglecting to use words "Limited" on Notices, Cheques, Bills, &c.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 115 (1). *Offence:* Any director, manager, or officer of company to which the *Dominion Companies Act* applies, and every person on its behalf issuing or authorizing the issue of any notice, advertisement, or other official publication of the company; or signing or authorizing to be signed on behalf of such company any bill of exchange, promissory note, endorsement, cheque, order for money or goods, or, issuing or authorizing to be issued any bill of parcels, invoice or receipt of company, wherein its name, with the word "Limited" after it, is not mentioned in legible characters. *Prosecution:* Court of competent jurisdiction. *Penalty:* $200 fine and personal liability to holder unless company pays.

20. *Dominion Company Neglecting to keep the Books Required by the Companies Act.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 116. *Offence:* Any company to which the *Companies Act* applies neglecting to keep any book or books required by Part I. of the *Companies Act. Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* $20 a day during neglect.

21. *Dominion Company Officials Making False Entries in Books Required to be kept by Part I. Companies Act.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 117. *Offence:* Any director, officer or servant of a company to which the *Companies Act* applies, knowingly making or assisting in making any untrue entry in any book required by Part I. of the *Companies Act,* to be kept by such company; or, refusing or wilfully neglecting to make any proper entry in any such book required under Part I. to be kept by the company, or to exhibit as required by said Part I. any such entry and to allow the same as required by said Part I. to be inspected and extracts taken therefrom. *Prosecution:* On indictment. *Penalty:* Not specified.

22. *Dominion Company Officials Refusing to Produce Books and Answer Questions on Examination into Affairs of Company. Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 119. *Offence:* Any officer or agent of a company to which the *Companies Act* applies, on examination by an inspector appointed by a Judge or by the company under Part I. of the Act, refusing to produce any book or document relating to the affairs of the company or to answer any question relating to the affairs of the company. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Not exceeding $20 in respect of each offence.

III. Companies Incorporated by Special Act.

23. *Dominion Company Officials Making False Entries in Books Required to be kept by Company under Part II. of the Companies Act.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 148. *Offence:* Any director, officer, or servant of company to which Part II. of the *Companies Act* applies, knowingly making or assisting in making any untrue entry in any book required by such Part to be kept by the company; or, refusing or wilfully neglecting to make any proper entry therein, or to exhibit same, or to allow same to be inspected and extracts to be taken therefrom. *Prosecution:* On indictment. *Penalty:* 2 years.

24. *Dominion Company Neglecting to Permit Inspection of Books under Part II. of the Companies Act.—Statute:* The *Companies Act,* R. S. C. 1906, ch. 79, sec. 149. *Offence:* Any company to which Part II. of the *Companies Act* applies, neglecting to keep open for inspection as required by Part II. of said Act, any book or books required to be kept under said Part by such company. *Prosecution:* No procedure specially set out. *Penalty:* Forfeiture of corporate rights.

IV. Loan Companies.

25. *Dominion Loan Companies Paying Organization Expenses not Authorized by Minister.—See* Loan Companies 1.

26. *Dominion Loan Company Neglecting to make Proper Entries in Books.—See* Loan Companies 2.

27. *Dominion Loan Company Official Making False Statements in Accounts, Returns, Statements, &c.—See* Loan Companies 3.

28. *Dominion Loan Company Officers Signing False Statements, Accounts, Reports or other Documents.—See* Loan Companies 4.

29. *Dominion Loan Company Officials Refusing to Produce Books.—See* Loan Companies 5.

30. *Dominion Loan Company Officials Refusing to allow Examining Inspector to Investigate Affairs of Company.—See* Loan Companies 6.

31. *Dominion Loan Company Neglecting to File Statements with Minister as Required by Act.—See* Loan Companies 7.

V. Trust Companies.

32. *Dominion Trust Company Paying Organization Expenses not Authorized.—See* Trust Companies 1.

33. *Dominion Trust Company Officals not Making Entries in Books as Required by Act.—See* Trust Companies 2.

34. *Dominion Trust Company Officials Making False Statements in Account, Reports, Returns, &c.—See* Trust Companies 3.

35. *Dominion Trust Company Officials Signing False Statements in Accounts, Reports, Returns, &c.—See* Trust Companies 4.

36. *Dominion Trust Company Officials Refusing to Produce Books to Creditors or Shareholders.—See* Trust Company 5.

37. *Dominion Trust Company Officials Refusing to Produce Books to Inspectors.—See* TRUST COMPANY 6.

38. *Dominion Trust Company Neglecting to File Statements with Ministers as Required by the Act.—See* TRUST COMPANIES 7.

VI. WINDING UP.

39. *Dominion Company Destroying or Mutilating Books on Winding up.—See* WINDING UP 1.

40. *Dominion Company Contempt of Court in Failing to Comply with Winding up Order.—See* WINDING UP 2.

41. *Dominion Company Liquidator Failing to Bank Moneys in Hand.—See* WINDING UP 3.

Compounding—

1. *Compounding Penal Actions.—Statute:* Criminal Code, sec. 181. *Offence:* Any person, who, having brought or under colour of bringing an action against any person under any penal statute in order to obtain from him any penalty, compounds the said action without order or consent of Court, whether any offence has in fact been committed or not. *Prosecution:* On indictment. *Penalty:* Fine not exceeding the penalty compounded for.

2. *Receiving Reward on Recovery of Stolen Property without Prosecution.—Statute:* The Criminal Code, sec. 182. *Offence:* Any person corruptly taking any money or reward, directly or indirectly, under pretence or upon account of helping any person to recover any chattel, money, valuable, security, or other property which by any indictable offence, has been stolen, taken, obtained, extorted, converted or disposed of unless he has used all due diligence to cause the offender to be brought to trial for same. *Prosecution:* On indictment. *Penalty:* 7 years.

3. *Revenue Offences.—See* REVENUE 6.

Concealment of Birth—

1. *Concealing Dead Body of Child.—Statute:* Criminal Code, sec. 272. *Offence:* Any person disposing of the dead body of any child in any manner with intent to conceal the fact that its mother was delivered of it, whether the child died before or during or after birth. *Prosecution:* On indictment. *Penalty:* 2 years.

2. *Neglecting to Obtain Assistance at Birth of Child.—See* CHILDREN 4.

3. *Child Murder.—See* CHILDREN 6.

Conspiracies—

1. *Conspiring to Commit an Indictable Offence.—Statute:* Criminal Code, sec. 573. *Offence:* Any person in any case not expressly provided for in the Criminal Code conspiring with any person to commit an indictable offence. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Conspiring to Bring False Accusations.*—Statute: Criminal Code, sec. 178. *Offence:* Any person conspiring to prosecute any person for any alleged offence knowing such person to be innocent thereof. *Prosecution:* On indictment. *Penalty;* 14 years if such person might, upon conviction for the alleged offence be sentenced to death or imprisonment for life. 10 years if such person might upon conviction for the alleged offence be sentenced to imprisonment for any term less than life.

3. *Conspiracy to Defile.—Statute:* Criminal Code, sec. 218. *Offence:* Any person conspiring with any other person by false pretences or false representations or other fraudulent means to induce any woman to commit adultery or fornication. *Prosecution:* On indictment. *Penalty:* 2 years.

4. *Conspiracy to Defraud.—See* FRAUD 24.

5. *Conspiring to Murder.—See* MURDER 2.

6. *Treasonable Conspiracies.—See* TREASON 1.

7. *Conspiring to Intimidate Legislature.—See* TREASON 6.

8. *R. N. W. M. Police Disciplinary Offences.—See* R. N. W. M.P. 1-7.

9. *Conspiracy to Commit Adultery.—See* ADULTERY 1.

Constables—

1. *Misconduct in Execution of Process.—See* POLICE 1.

2. *Neglecting to Aid.—See* POLICE 2.

3. *Obstructing Constable in Execution of His Duty.—See* POLICE 3.

4. *Obstructing Constable Entering Disorderly House.—See* DISORDERLY HOUSE 5.

5. *Falsely Pretending to be a Constable.—See* POLICE 5.

6. *Dominion Police Neglecting Duty.—See* POLICE 6.

7. *Quebec Harbour Police Constable Neglecting Duty.—See* POLICE 6.

8. *Trade Combinations and Conspiracies.—See* COMBINES 5.

9. *Railway Constable Neglecting Duty.—See* RAILWAYS 5.

10. *Resisting or Assaulting Railway Constable.—See* RAILWAY 6.

11. *Constable Neglecting to Convey all Smuggled Goods Found on Vehicle.—See* CUSTOMS 59.

12. *Neglecting Duty During Riot.—See* RIOTS 3.

13. *Neglecting to Aid Peace Officer Quelling Riot.—See* RIOTS 4.

14. *Obstructing Constable Searching for Seamen Absent from Ship.—See* SHIPPING 55.

15. *Bribery and Corruption of Constables.—See* BRIBERY AND CORRUPTION 2.

Contagious Diseases—

1. *Neglecting to Report Infectious or Contagious Disease of Animals.—Statute:* The *Animal Contagious Diseases Act,* R. S. C. 1906, ch. 75, sec. 35. *Offence:* Any person neglecting to give the notice required by the *Animal Contagious Diseases Act,* respecting animals which are subject to any contagious or infectious disease as defined by the Act. *Prosecution:* Summary conviction before two Justices of the Peace or Police Magistrate. *Penalty:* $200 and costs.

2. *Keeping Diseased Animals.—Statute:* The *Animal Contagious Diseases Act,* R. S. C. 1906, ch. 75, sec. 36. *Offence:* Any person keeping diseased animals in violation of the Act. *Prosecution:* Summary conviction before two Justices of the Peace or Police Magistrate. *Penalty:* $200 and costs.

3. *Marketing Diseased Animals.—Statute:* The *Animal Contagious Diseases Act,* R. S. C. 1906, ch. 75, sec. 37. *Offence:* Any person marketing diseased animals in violation of said Act. *Prosecution:* On summary conviction before two Justices of the Peace or Police Magistrate. *Penalty:* $200 and costs.

4. *Selling Diseased Animals.—Statute:* The *Animal Contagious Diseases Act,* R. S. C. 1906, ch. 75, sec. 38. *Offence:* Any person selling, exposing or putting off any diseased animal or any part thereof. *Prosecution:* On summary conviction before two Justices of the Peace or Police Magistrate. *Penalty:* $200.

5. *Disposing of Diseased Carcasses in River.—Statute:* The *Animal Contagious Diseases Act,* R. S. C. 1906, ch. 75, sec. 39. *Offence:* Any person disposing of the carcass of a diseased animal by throwing it into any river. *Prosecution:* On sum-

mary conviction before two Justices of the Peace or Police Magistrate. *Penalty:* $200 and costs.

6. *Digging up Diseased Carcasses.—Statute:* The *Animal Contagious Diseases Act,* R. S. C. 1906, ch. 75, sec. 40. *Offence:* Any person digging up the buried carcasses of a diseased animal. *Prosecution:* On summary conviction before two Justices of the Peace and Police Magistrate. *Penalty:* $200 and costs.

7. *Obstructing Officers under Contagious Diseases of Animals' Act.—Statute:* The *Animal Contagious Diseases Act,* R. S. C. 1906, ch. 75, sec. 41. *Offence:* Any person impeding officers in execution of the *Animal Contagious Diseases Act,* or any regulation made thereunder. *Prosecution:* On summary conviction before two Justices of the Peace or Police Magistrate. *Penalty:* $100 and costs.

8. *Importing Diseased Animals.—Statute:* The *Animal Contagious Disease Act,* R. S. C. 1906, ch. 75, sec. 42. *Offence:* Any person importing or introducing into Canada, animals contrary to order or regulation. *Prosecution:* On summary conviction before two Justices of the Peace or Police Magistrate. *Penalty:* $200 and costs for each animal.

9. *Removing Animal from Infected Premises.—Statute:* The *Animal Contagious Diseases Act,* R. S. C. 1906, ch. 75, sec. 43. *Offence:* Any person unlawfully removing any animal or thing from infected premises in violation of the *Animal and Contagious Diseases Act. Prosecution:* On summary conviction before two Justices of the Peace or Police Magistrate. *Penalty:* $200 and costs.

10. *Entering Infected Premises.—Statute:* The *Animal Contagious Diseases Act,* R. S. C. 1906, ch. 75, sec. 44. *Offence:* Any person entering infected premises when entry has been forbidden under the Act. *Prosecution:* Summary conviction before two Justices of the Peace or Police Magistrate. *Penalty:* $20 and costs.

11. *Neglecting to Disinfect Premises.—Statute:* The *Animal Contagious Diseases Act,* R. S. C. 1906, ch. 75, sec. 45. *Offence:* Any person neglecting to comply with the provisions of the Act or order dealing with the cleansing or disinfecting of pens, horseboxes, etc. *Prosecution:* On summary conviction before two Justices of the Peace or Police Magistrate. *Penalty:* $200 and costs.

12. *Disobeying Regulations.—Statute:* The *Animal Contagious Diseases Act,* R. S. C. 1906, ch. 75, sec. 46. *Offence:*

Violating Act or regulations or orders of Minister. *Prosecution:* On summary conviction before two Justices of the Peace or Police Magistrate. *Penalty:* $200 and costs.

Contracts—

1. *Government.—See* GOVERNMENT CONTRACTS 1, 2.

2. *Bribery and Corruption in Connection with Government Contracts.—See* BRIBERY AND CORRUPTION 3, 4, 8.

3. *Breach of Contract with Danger to Life or Property.—See* BREACH OF CONTRACT 1.

4. *Wilful Breach of Power, Light, Gas or Water Contract by any Person.—See* BREACH OF CONTRACT 2.

5. *Wilful Breach of Power, Light, Gas or Water Contract by a Municipality.—See* BREACH OF CONTRACT 3.

6. *Breaking Mail Contract.—See* BREACH OF CONTRACT 4.

Convicts—

1. *Conveying Forbidden Articles to Convicts in Penitentiaries.—See* PENITENTIARIES 2.

2. *Misusing Transportation Ticket Given on Release from Penitentiary.—See* PENITENTIARIES 3.

3. *Escapes and Rescues.—See* ESCAPE AND RESCUE 1-9.

4. *Being at Large while under Sentence.—See* TICKET OF LEAVE 4.

5. *Violating Ticket of Leave.—See* TICKET OF LEAVE 1-3.

Copyright—

1. *Performing Dramatic Copyright Works without Consent of Author.—Statute:* Criminal Code, sec. 508A. *Offence:* Any person, without the written consent of the owner of the copyright, or of his legal representative, knowingly performing or causing to be performed in public, and for private profit, the whole or any part constituting an infringement of any dramatic or operatic work, or musical composition in which copyright subsists in Canada. *Prosecution:* On summary conviction. *Penalty:* 1st offence, fine not exceeding $250; 2nd or subsequent offence, $250 fine or 2 months or both. *Special Provisions:* Limitation of Action, 2 years.

2. *Unauthorized Changing of Title of Copyrighted Drama to Perform Same.—Statute:* Criminal Code, sec. 508B. *Offence:* Any person, making or causing to be made any change in, or suppression of the title or the name of the author, of any dramatic or operatic work, or musical composition in which

copyright subsists in Canada or who makes or causes to be made any change in such work, or composition itself, without the consent in writing of the author or of his legal representatives in order that the same may be performed in whole or in part or public for private profit. *Prosecution:* On summary conviction. *Penalty:* 1st offence, fine not exceeding $500; 2nd and subsequent offences, $500 or 4 months or both. *Special Provisions:* Limitation of Action, 2 years.

3. *Wilfully Making False Entries in Copyright Registers.—Statute: Copyright Act,* R. S. C. 1906, ch. 70 sec. 35. *Offence:* Any person wilfully making or causing to be made any false entry in any of the registry books under the *Copyright Act;* or, wilfully producing or causing to be tendered in evidence any paper which falsely purports to be a copy of an entry in such books. *Prosecution:* On indictment. *Penalty:* Not specifically mentioned, but see Criminal Code. *Special Provisions:* Limitation of Action, 2 years.

4. *Fraudulently Assuming to Act on Behalf of Author in Obtaining Copyright.—Statute:* The *Copyright Act,* R. S. C. 1906, ch. 70, sec. 36. *Offence:* Any person fraudulently assuming authority to act as agent of the author, or of his legal representative for the registration of a copyright, or of a temporary or of an interim copyright. *Prosecution:* On indictment. *Penalty:* None specifically mentioned, see Criminal Code. *Special Provisions:* Limitation of Action, 2 years.

5. *Infringing Copyright of Book.—Statute:* The *Copyright Act,* R. S. C. 1906, ch. 70, sec. 37. *Offence:* Any person who, after the interim registration of the title of any book, according to the *Copyright Act,* and within the term limited by the Act, or after the copyright has been secured, and during the term of its existence, prints, publishes or reprints, or republishes or imports, or causes to be so printed, published, or imported, any copy or translation of any such book without having first obtained the right so to do by assignment from the person lawfully entitled to the copyright thereof. *Prosecution:* In any Court of competent jurisdiction. *Penalty:* Forfeiture of every copy to the person entitled to the copyright and payment for every such copy found in possession either printed, being printed, published, imported or exposed for sale contrary to the Act, a sum not exceeding $1, and not less than 10 cents as the Court determines. *Special Provisions:* One moiety of penalty is to be paid to Dominion Government and other moiety to the owner of the copyright. Limitation of Action, 2 years.

6. *Unlawfully Selling Infringements of Copyrighted Books.* —*Statute:* *Copyright Act,* R. S. C. 1906, ch. 70, sec. 37. *Offence:* Any person knowing the same to be printed or imported in violation of sec. 37 (*a*) of the Copyright Act, publishes, sells or exposes for sale, or causes to be published, sold or exposed for sale any infringement of the copyright of any book without the consent of the owner of the copyright. *Prosecution:* In any Court of competent jurisdiction. *Penalty:* Forfeiture of every copy of such book and fine of not less than 10 cents nor more than $1 for every such copy, in the discretion of the Court. *Special Provisions:* A moiety of the fine goes to the Dominion Government, the other moiety to owner of copyright. Limitation of Action, 2 years.

7. *Infringing Copyright of Painting or Work of Art.*— *Statute:* The *Copyright Act,* R. S. C. 1906, ch. 70, sec. 38. *Offence:* Any person who, after the registering of any painting, drawing, statue, or other work of art, and within the term or terms limited by the *Copyright Act,* reproduces in any manner, or causes to be reproduced, made or sold, in whole or in part any copy of any such work of art, without the consent of the proprietor. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Forfeiture to proprietor of copyright of reproduction plate, and every sheet reproduced, and a fine not exceeding $1 and not less than 10 cents, as the Court determines, for every sheet published or exposed for sale in violation of Act. *Special Provisions:* Moiety of fine goes to Dominion Government and the other moiety to lawful owner of copyright. Limitation of Action, 2 years.

8. *Infringing Copyright of Print, Chart, Music or Photograph.*—*Statute:* The *Copyright Act,* R. S. C. 1906, ch. 70, sec. 39. *Offence:* Any person who, without the consent of the proprietor of the copyright first obtained:—1, After the registering of any print, cut or engraving, map, chart, musical composition, or photograph according to the provisions of the *Copyright Act,* and within the term or terms limited by the Act, engraves, etches, or works, sells or copies, or causes to to be engraved, etched or copied, made or sold any such print, cut or engraving, map, chart, musical composition or photograph or any part thereof, either as a whole or by varying, adding to or diminishing the main design with intent to evade the law; or, 2, prints or reprints, or imports for sale, or causes to be so printed or reprinted or imported for sale, any such map, chart, musical com-

position, print, cut, or engraving or any part thereof; or, 3, knowing the same to be so reprinted, printed or imported without such consent, publishes, sells or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph or print. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Forfeiture to proprietor of copyright of plates, and every sheet thereof, and a fine not less than 10 cents nor more than $1, as Court determines for every sheet of such map, musical composition, print, cut or engraving found in possession, printed or published for sale. *Special Provisions:* Moiety of fine is payable to Dominion Government. The other moiety is to be paid to the owner of the copyright. Limitation of Action, 2 years.

9. *Falsely Pretending to have Copyright.—Statute:* The *Copyright Act,* R. S. C. 1906, ch. 70, sec. 40. *Offence:* Any person who has not lawfully acquired the copyright of a literary, scientific or artistic work, and who inserts in any copy thereof printed, produced, reproduced, or imported, or who impresses on any such copy that the same has been entered according to the Act or words purporting to assert the existence of a Canadian copyright in relation thereto, commits an offence. *Prosecution:* Court of competent jurisdiction. *Penalty:* Not exceeding $300. *Special Provision:* Moiety payable to His Majesty for public uses of Canada and other moiety to person suing. Limitation of Action, 2 years.

10. *Registering Interim Copyright without Publishing.—Statute:* The *Copyright Act,* R. S. C. 1906, ch. 70, sec. 41. *Offence:* Any person causing any work to be registered in the register of interim copyright and failing to print or publish or reprint, and republish the same within the time prescribed. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $100. *Special Provisions.* Moiety of fine belongs to His Majesty for the public uses of Canada and the other moiety to person suing. Limitation of Action, 2 years.

11. *Unlawful Importation of Prohibited Books.—Statute:* The *Copyright Act,* R. S. C. 1906, ch. 70, sec. 43. *Offence:* Any person importing, or causing or permitting the importation of any book, in contravention of any order prohibiting importation made under the authority of the *Copyright Act* by the Minister. *Prosecution:* On summary conviction. *Penalty:* $100, seizure by customs officer, and forfeiture of books to Crown, books to be destroyed. *Special Provisions:* Limitation of Action, 2 years.

Counterfeiting—

I. SEALS.

1. *Counterfeiting Government Seals.—Statute:* Criminal Code, sec. 472. *Offence:* Any person unlawfully making or counterfeiting any public seal of the United Kingdom, or any part thereof, or of Canada, or any part thereof, or of any dominion, possession or colony of His Majesty, or the impression of any such seal, or uses any such seal or impression knowing the same to be so unlawfully made or counterfeited. *Prosecution:* On indictment. *Penalty:* Life imprisonment. *See also* INLAND REVENUE 12.

2. *Counterfeiting Court, Registry Office or Burial Board Seals.—Statute:* Criminal Code, sec. 473. *Offence:* Any person unlawfully making, or counterfeiting any seal of a Court of Justice, or any seal of, or belonging to any registry office, or burial board, or the impression of any such seal, or uses any such seal or impression knowing the same to be so unlawfully made or counterfeited. *Prosecution:* On indictment. *Penalty:* 14 years.

II. GOVERNMENT PROCLAMATIONS, &C.

3. *Counterfeiting Government Proclamation, Order, Regulation or Appointment.—Statute:* Criminal Code, sec. 474. *Offence:* Any person printing any proclamation, order, regulation, or appointment, or notice thereof and causes the same falsely to purport to have been printed by the King's Printer, for Canada, or the Government Printer for any province of Canada, as the case may be, or tenders in evidence any copy of any proclamation, order, regulation or appointment which falsely purports to have been printed as aforesaid knowing that the same was not so printed. *Prosecution:* On indictment. *Penalty:* 7 years.

III. GOVERNMENT STAMPS, BRANDS OR MARK.

4. *Counterfeiting Revenue Stamp. — Statute:* Criminal Code, sec. 479 (*a*). *Offence:* Any person, fraudulently counterfeiting any stamp whether impressed or adhesive, used for the purposes of revenue by the Government of the United Kingdom, or of Canada, or by the Government of any province of Canada, or of any possession or colony of His Majesty, or by any foreign

prince or state. *Prosecution:* On indictment. *Penalty:* 14 years.

5. *Counterfeiting Government Brand or Mark.—Statute:* Criminal Code, sec. 479 (*i*). *Offence:* Any person without lawful authority, making or counterfeiting any mark or brand, used by the Government of the United Kingdom of Great Britain and Ireland, the Government of Canada, or the Government of any province of Canada, or by any department or officer, of any such Government for any purpose in connection with the service or business of such Government, or the impression of any such mark or brand, or sells or exposes for sale, or has in his possession, any goods having thereon a counterfeit of any such mark or brand, knowing the same to be counterfeit, or affixes any such mark or brand to any goods required by law to be marked or branded other than those to which such mark or brand was originally affixed. *Prosecution:* On indictment. *Penalty:* 14 years.

IV. Coin.*

6. *Making Counterfeit Gold or Silver Coin.—Statute:* Criminal Code, sec. 552 (*a*). *Offence:* Any person making or beginning to make, any counterfeit coin resembling, or apparently intended to resemble or pass for any current gold or silver coin. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

7. *Changing any Coin into Counterfeit Gold or Silver Coin.—Statute:* Criminal Code, sec. 552 (*b*). *Offence:* Any person gilding or silvering any coin resembling or apparently intended to resemble or pass for any current gold or silver coin. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

8. *Gilding to Resemble Coin.—Statute:* Criminal Code, sec. 552 (*c*). *Offence:* Any person gilding or silvering any piece of silver or copper, or of coarse gold or coarse silver, or of any metal or mixture of metals respectively, being of a fit size and

* *Previous Convictions.*—Under section 568 of the Criminal Code everyone who, after a previous conviction for any offence relating to coin, under Part IX. of the Criminal Code, or any other Act, is convicted of any offence specified in Part IX., is liable: 1. To imprisonment for life, if 14 years is the longest term of imprisonment to which he would have been liable had he not been so previously convicted; 2, to 14 years' imprisonment, if seven years is the longest term of imprisonment to which he would have been liable had he not been so previously convicted; 3, to seven years' imprisonment, if he would not have been liable to 7 years, had he not been so previously convicted. [See Criminal Code, sec. 568.]

figure to be coined, and with intent that the same shall be coined into counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

9. *Gilding Silver Coin.—Statute:* Criminal Code, sec. 552 (*d*). *Offence:* Any person gilding any current silver coin, or files or in any manner alters such coin with intent to make the same resemble or pass for any current gold coin. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

10. *Gilding or Silvering Copper Coin.—Statute:* Criminal Code, sec. 552 (*e*). *Offence:* Any person gilding or silvering any current copper coin or filing or in any manner altering such coin with intent to make the same resemble or pass for any current gold or silver coin. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

11. *Buying, Selling, or Trading in Counterfeit Gold or Silver, or Importing or Receiving Same into Canada.—Statute:* Criminal Code, sec. 553. *Offence:* Any person, without lawful authority, or excuse, the proof whereof shall be on him:—1, Buying, selling, receiving, paying, or putting off or offering to buy, sell, receive, pay or put off, at or for a lower rate or value than the same imports or was apparently intended to import, any counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin; or, 2, importing or receiving into Canada, any counterfeit coin resembling or apparently intended to resemble or pass for, any current gold or silver coin knowing the same to be counterfeit. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

12. *Manufacturing or Importing Copper Coin.—Statute:* Criminal Code, sec. 554. *Offence:* Any person manufacturing in Canada any copper coin or imports into Canada, any copper coin other than current copper coin, with the intention of putting the same into circulation as current copper coin. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $20 for every pound troy weight thereof and the coin to be forfeited to His Majesty.

13. *Exporting Counterfeit Coin.—Statute:* Criminal Code, sec. 555. *Offence:* Any person without lawful authority or excuse, the proof whereof shall lie on him, exporting or putting on board any ship, vessel or boat, or on any railway or carriage or vehicle of any description whatsoever, for the purpose of being exported from Canada, any counterfeit coin resembling or apparently intended to resemble or pass for any current coin, or for

any foreign coin of any prince, country or state knowing the same to be counterfeit. *Prosecution:* On indictment. *Penalty:* 2 years.

14. *Making or Possessing Counterfeit Tools.—Statute:* Criminal Code, sec. 556. *Offence:* Any person without lawful authority or excuse, the proof whereof shall lie on him, making, or mending, or beginning or proceeding to make or mend, or buys, or sells or has in his custody or possession, matrix, stamp, die, etc., edger, or other tool, or any press for coinage. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

15. *Conveying Tools Out of a Mint into Canada.—Statute:* Criminal Code, sec. 557. *Offence:* Any person, without lawful authority or excuse, the proof whereof shall lie on him, knowingly conveying out of any of His Majesty's Mints into Canada any puncheon, counter-puncheon, matrix, stamp, die, pattern, mould, edger, edging or other tool, collar, instrument, press or engine, used or employed in or about the coining of coin, or any useful part, or any of the several articles aforesaid or any coin, bullion, metal, or mixture of metals. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

16. *Clipping Current Gold or Silver Coin.—Statute:* Criminal Code, sec. 558. *Offence:* Any person impairing, diminishing, or lightening any current gold or silver coin, with intent that the coin so impaired, diminished or lightened may pass for current gold or silver coin. *Prosecution:* On indictment. *Penalty:* 14 years.

17. *Defacing Current Coin.—Statute:* Criminal Code, sec. 559. *Offence:* Any person defacing any current gold, silver or copper coin by stamping thereon any names or words, whether such coin is or is not thereby diminished or lightened, and afterwards tenders the same. *Prosecution:* On indictment. *Penalty:* 1 year.

18. *Possessing Clippings of Current Gold or Silver Coin.—Statute:* Criminal Code, sec. 560. *Offence:* Any person unlawfully having in his custody or possession any filings or clippings, or any gold, or silver bullion, or any gold or silver in dust, solution or otherwise, which have been produced by impairing, diminishing or lightening, any current gold, or silver coin, knowing the same to have been so produced or obtained. *Prosecution:* On indictment. *Penalty:* 7 years.

19. *Possessing Counterfeit Gold, Silver or Copper Coin with Intent to Utter.—Statute:* Criminal Code, sec. 561.

Offence: Any person, having in his custody or possession, knowing the same to be counterfeit, and with intent to utter the same or any of them:—1, Any counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin; or 2, three or more pieces of counterfeit coin resembling or apparently intended to resemble or pass for any current copper coin. *Prosecution:* On indictment. *Penalty:* 3 years.

20. *Making Counterfeit Copper Coin.—Statute:* Criminal Code, sec. 562 (*a*). *Offence:* Any person making or beginning to make any counterfeit coin resembling or apparently intended to resemble or pass for any current copper coin. *Prosecution:* On indictment. *Penalty:* 3 years.

21. *Making or Possessing Tools for Counterfeiting Copper Coinage.—Statute:* Criminal Code, sec. 562 (*b*). *Offence:* Any person without lawful authority or excuse, the proof of which shall lie on him, knowingly making, or mending, or beginning or proceeding to make or mend, or buying or selling, or having in his custody or possession any instrument, tool or engine, adapted and intended for counterfeiting any current copper coin. *Prosecution:* On indictment. *Penalty:* 3 years.

22. *Dealing in Counterfeit Copper Coin.—Statute:* Criminal Code, sec. 562 (*b*). *Offence:* Any person buying, selling, receiving, paying, or putting off or offering to pay, sell, receive, pay or put off, any counterfeit coin resembling, or apparently intended to resemble or pass for any current copper coin, at or for a lower rate of value than the same imports or was apparently intended to import. *Prosecution:* On indictment. *Penalty:* 3 years.

23. *Making, Possessing or Uttering Gold or Silver Foreign Coin.—Statute:* Criminal Code, sec. 563. *Offence:* 1, Any person, making, or beginning to make any counterfeit coin or silver coin resembling or apparently intended to resemble or pass for, any gold or silver coin of any foreign prince, state, or country not being current coin; or, 2, any person without lawful authority or excuse, the proof of which shall lie on him, bringing into or receiving in Canada, any such counterfeit coin, knowing the same to be counterfeit, and with intent to put off the same or uttering any such counterfeit coin. *Prosecution:* On indictment. *Penalty:* 3 years.

24. *Making Counterfeit Foreign Copper Coin.—Statute:* Criminal Code, sec. 563 (*d*). *Offence:* Any person making any counterfeit coin resembling or apparently intended to resemble or pass for any copper coin of any foreign prince, state or coun-

try, not being current coin. *Prosecution:* On indictment. *Penalty:* 3 years.

25. *Uttering Counterfeit Gold or Silver Coin.—Statute:* Criminal Code, sec. 564. *Offence:* Any person uttering any counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be counterfeit. *Prosecution:* On indictment. *Penalty:* 14 years.

26. *Uttering Light or False Gold or Silver Coin.—Statute:* Criminal Code, sec. 565. *Offence:* Any person:—1, Uttering, as being current, any gold or silver coin of less than its lawful weight, knowing such coin to have been impaired, diminished or lightened otherwise than by lawful wear; or, 2, with intent to defraud, uttering, as or for any current gold or silver coin, any coin not being such current gold or silver coin, or any medal, or piece of metal, or mixed metals, resembling in size, figure and colour, the current coin as or for which the same is so uttered, such coin, metal or piece of metal, or mixed metals so uttered, being of less value than the current coin, as or for which the same is so uttered. *Prosecution:* On indictment. *Penalty:* 3 years.

27. *Uttering Counterfeit Copper Coin.—Statute:* Criminal Code, sec. 565 (*d*). *Offence:* Any person uttering any counterfeit coin resembling or apparently intended to resemble or pass for any current copper coin knowing the same to be counterfeit. *Prosecution:* On indictment. *Penalty:* 3 years.

28. *Uttering Defaced Coin.—Statute:* Criminal Code, sec. 566. *Offence:* Any person uttering any coin defaced by having stamped thereon any names or words. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* $10.

29. *Uttering Uncurrent Copper Coin.—Statute:* Criminal Code, sec. 567. *Offence:* Any person uttering, or offering in payment, any copper coin, other than current copper coin. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* Double nominal value and in default of payment, 8 days.

30. *Advertising Counterfeit Money.—Statute:* Criminal Code, sec. 569 (*a*). *Offence:* Any person printing, writing, uttering, publishing, selling, lending, giving away, circulating or distributing any letter, writing, circular, paper pamphlet, handbill, or any written, or printed matter, advertising, or offering or purporting to advertise or offer for sale, loan, exchange gift or distribution, or to furnish, procure, or distribute, any

counterfeit token of value, or what purports to be a counterfeit token of value, or giving or purporting to give, either directly or indirectly, information where, how or whom or by what means any counterfeit token of value or what purports to be a counterfeit token of value may be procured or had. *Prosecution:* On indictment. *Penalty:* 5 years.

31. *Using Fictitious Name and Address for Advertising Counterfeit Money.—Statute:* Criminal Code, sec. 569 (*b*). *Offence:* Any person, in executing, operating, promoting, or carrying on any scheme or device to defraud by the use or by means of any papers, writings, letters, circulars, or written or printed matters concerning the offering for sale, loan, gift, distribution, or exchange of counterfeit tokens of value using any fictitious, false or assumed name or address, or any name or address other than his own, right, proper and lawful name. *Prosecution:* On indictment. *Penalty:* 5 years.

32. *Receiving Mail at a Fictitious Address for Dealing in Counterfeit Money.—Statute:* Criminal Code, sec. 569 (*c*). *Offence:* Any person, in the execution, operation, promotion, or carrying on of any scheme or device offering for sale, loan, gift or distribution, or purporting to offer for sale, loan, gift or distribution or giving or purporting to give information, directly or indirectly, where, how, of whom or by what means any counterfeit token of value may be obtained or had, knowingly receives or takes from the mails or from the post office any letter or package addressed to any fictitious, false or assumed name or address, or name other than his own right, proper or lawful name. *Prosecution:* On indictment. *Penalty:* 5 years.

33. *Dealing in Counterfeit Money.—Statute:* Criminal Code, sec. 569 (*d*). *Offence:* Any person, purchasing, exchanging, accepting, taking possession of or in any way using, or offering to purchase, exchange, accept, take possession of or in any way uses, or negotiates, or offers to negotiate with a view to purchasing or obtaining or using any such counterfeit token of value, or what purports so to be. *Prosecution:* On indictment. *Penalty:* 5 years.

Court Records—

1. *Uttering False Copy of Court Records.—See* RECORDS 1.

2. *Fraudulently Signing Court Clerk's Name to Documents. —See* RECORDS 2.

3. *Disobeying Orders of Court.—See* STATUTES AND ORDERS 2.

CRIMINAL CODE.

[H. C.—High Court; G. S.—General Sessions.]

Treason and Other Offences against the King's Authority and Person.

74. Treason, H.C., death.
75. Conspiracy, treasonable, H.C., death.
75A. Assisting, etc., alien enemies to leave Canada, H.C. and G.S., 2 years.
76. Accessories to treason, H.C., 2 years.
77. Levying war by subjects of a state at peace with His Majesty—subjects assisting, H.C., death.
78 Treasonable offences, H.C., imprisonment for life.
79. Conspiracy to intimidate a legislature, H.C., 14 years.
80. Assaults on the King, H.C., 7 years and whipping.
81. Inciting to mutiny, H.C., imprisonment for life,
82. Enticing soldiers or sailors to desert, H.C., and G.S., fine and imprisonment; Sum., 2 J.P., $80 to $200 and costs, in default, not exceeding 6 months.
83. Resisting execution of warrant for arrest of deserters; Sum., 2 J.P., fine $80.
84. Enticing militiamen or members of the N. W. M. police to desert, and accessories thereto; Sum. 1 J.P., 6 months' imprisonment with or without hard labour.
85. Unlawfully obtaining and communicating official information, H.C., 1 year or fine not exceeding $100, or both. If obtained for foreign state, H.C., and imprisonment for life.
86. Communicating information acquired by holding office made or attempted to be made to foreign state, H.C., imprisonment for life; in any other case, H.C., 1 year or not exceeding $100 or both.

Un'awful Assemblies, Riots, Breaches of the Peace.

89. Unlawful assembly, H.C. and G.S., 1 year.
90. Riot, H.C., and G.S., 2 years.
92. Riot Act, oppose or hinder from being read, H. C. and G.S., imprisonment for life.

94. Neglect of peace officer to suppress riot, H.C. and G.S., 2 years.
95. Neglect to aid peace officer in suppressing riot, H.C. and G.S., 1 year.
96. Riotous destruction of buildings, H.C. and G.S., imprisonment for life.
97. Riotous damage to buildings, H. C. and G.S., 7 years.
97A (3). Unlawful associations, H.C. and G.S., 20 years.
97A (5). Permitting premises to be used for unlawful association meetings, H.C., and G.S., $5,000 or 5 years or both.
97B (1). Publishing seditious literature, H.C. and G.S., 20 years.
97B (2). Using mails for circulating seditious literature, H.C. and G.S., 20 years.
97B (3). Importing seditious literature, H.C. and G.S., 20 years.
98. Unlawful drilling, H.C. and G.S., 2 years.
99. Being unlawfully drilled, H.C. and G.S., 2 years.
100. Affray, H.C. and G.S., 1 year with hard labour.
101. Challenge to fight a duel, H.C. and G.S., 3 years.
103. Forcible entry and detainer, H.C. and G.S., 1 year.
104. Challenging to fight a prize fight, Sum. 1 J.P., $100 to $1,000 or not exceeding imprisonment for 6 months, or both, with or without hard labour.
105. Principal in prize fight, Sum. 1 J.P., imprisonment 3 to 12 months, with or without hard labour.
106. Attending or promoting prize fight, Sum. 1 J.P., $50 to $500, or 12 months, with or without hard labour or both.
107. Leaving Canada to engage in a prize fight, Sum. 1 J.P., $50 to $400, or imprisonment not exceeding 6 months with or without hard labour, or both.
108. Where the fight is not a prize fight, Sum. 1 J.P., $50.
109. Inciting Indians to riotous acts, H.C. and G.S., 2 years.

Unlawful Use and Possession of Explosive Substance and Offensive Weapons—Sale of Liquors.

111. Causing dangerous explosions, H.C. and G.S., imprisonment for life.
112. Attempts to destroy property with explosives, H.C. and G.S., 14 years.

113. Doing anything, or possessing explosive substances with intent to cause dangerous explosion, H.C. and G.S., 14 years.
114. Unlawfully making or possessing explosive substances, H.C. and G.S., 7 years.
115. Possession of arms for purposes dangerous to public peace, H.C. and G.S., 5 years.
116. Two or more persons openly carrying weapons so as to cause alarm, Sum. 2 J.P., $10 to $40, or imprisonment for 30 days.
117. Smugglers carrying offensive weapons, H.C. and G.S., 10 years.
118. Carrying dangerous weapon without permit, Sum. 1 J.P., $100 or 3 months, or both.
119. Selling pistol or air gun to minor, Sum. 1 J.P., not exceeding $50.
120. Having weapons on person when arrested, Sum. 2 J.P., $20 to $50, or 3 months, with or without hard labour.
121. Having weapons with intent to injure another, Sum. 2 J.P., $50 to $200, or not exceeding 6 months' hard labour.
122. Pointing a firearm at any person, Sum. 2 J.P., $10 to $100, or 30 days with or without hard labour.
123. Carrying offensive weapon—(bowie knife, dagger, etc.), on person, Sum. 2 J.P., $10 to $50, or 3 months with or without hard labour, or to both, and 3 months additional if fine not paid.
124. Carrying sheath knife (not required by his lawful calling), Sum. 2 J.P., $10 to $50, or three months or both fine and imprisonment, with or without hard labour.
126. Refusing to deliver weapon to J.P. at or on way to public meeting, H.C. and G.S., or 1 J.P., $8.
127. Coming armed within one mile of public meeting, H.C. and G.S., $100 or 3 months, or both.
128. Lying in wait for persons returning from public meeting, H.C. and G.S., $200 or 6 months, or both.
128A. Carrying or discharging fire arms without authority on militia property, Sum. Con. $100 or 60 days or both.

Seditious Offences.

129. Administers oath binding person to committ crime punishable by death or imprisonment, or for more than 5 years, H.C., 14 years.
130. Administers, etc., other unlawful oaths, H.C., 7 years.

134. Seditious language, H.C., 20 years.
135. Libels on foreign sovereigns, H.C., 1 year.
136. Spreading false news, H.C., 1 year.

Piracy.

137. Piracy by the law of nations, H.C., imprisonment for life. Death.
138. Piratical acts, H.C., imprisonment for life.
139. Piracy with violence, H.C., death.
140. Not fighting pirates, H.C., 6 months and forfeits wages.
141. Intoxicating liquors on board His Majesty's ships, Sum. 2 J.P., $50 or not exceeding 1 month, with or without hard labour.
146. Possessing weapons near public works, Sum. 1 J.P., $20 to $4 for each weapon.
147. Receiving or concealing any weapons near public works, Sum. 1 J.P., $40 to $100.
151. Sale of liquors near public work, Sum. 1 J.P., $200 and costs, or 3 months with or without hard labour, or second offence $300 and not exceeding 6 months additional, with or without hard labour, or both fine and imprisonment.

Administration of Law and Justice. Corruption and Disobedience.

156. Judicial corruption, H.C., 14 years.
157. Corruption by justice of the peace, peace officer or public officer, H.C., 14 years.
158. Frauds upon government, H.C., $100 to $1,000 and to imprisonment from 1 month to 1 year, and in default of payment 6 months additional.
160. Breach of trust by public officer, H.C., 5 years.
161. Corrupt practices in municipal affairs, H.C., $100 to $1,000 and to imprisonment from 1 month to 2 years, and in default of payment 6 months additional.
162. Selling office, appointment, etc., or purchasing same, H.C., 5 years.
163. Rewards for corrupt municipal acts, H.C. and G.S., 5 years.
164. Disobedience to a statute, H.C. and G.S., 1 year.
165. Disobedience to orders of Court, H.C. and G.S., 1 year.
166. Misconduct of officer intrusted with execution of writs, H.C. and G.S. Fine and imprisonment for five years.

167. Neglect to aid peace officer in arresting offenders, H.C. and G.S., 6 months.
168. Obstructing public officer in execution of his duty, H.C. and G.S., 10 years.
169 (a). Obstructing peace officer in execution of his duty, H.C. and G.S., 2 years, or Sum. 2 J.P., 6 months' hard labour or $100.

(b) Obstructing person in lawful execution of process against lands or goods, or in making lawful distress or seizure, H.C. and G.S., 2 years; Sum. 2 J.P., 6 months' hard labour or $100.

169A. Falsely representing himself to be a constable; Sum. 1 J.P., $100, or 3 months, or both.

Misleading Justice.

174. Punishment of perjury, H.C. and G.S., 14 years or life.
175. False oaths, H.C. and G.S., 7 years.
176. False statements, H.C. and G.S., 2 years.
177. Fabricating evidence, H.C. and G.S., 7 years.
178. Conspiring to bring false accusations, H.C. and G.S., 10 to 14 years.
179. Administering oaths without authority, H.C. and G.S., $50 or 3 months.
180. Corrupting juries and witnesses, H.C. and G.S., 2 years.
181. Compounding penal actions, H.C. and G.S., fine not exceeding penalty compounded.
182. Corruptly taking a reward for helping to recover stolen property without using diligence to bring offender to trial, H.C. and G.S., 7 years.
183. Unlawful advertising a reward for return of stolen property, Court of competent jurisdiction, penalty $250 and costs.
184. Signing false declaration respecting execution of judgment of death, H.C. and G.S., 2 years.

Escapes and Rescues.

185. Being at large while under sentence of imprisonment, H.C. and G.S., 2 years.
186. Assisting escape of prisoners of war, H.C. and G.S., 5 years.
187. Breaking prison, H.C. and G.S., 7 years.
188. Attempting to break prison, H.C. and G.S., 2 years.

189. Escape from custody after conviction or from prison, H.C. and G.S., 2 years.
190. Escape from lawful custody, H.C. and G.S., 2 years.
191. Assisting escape in certain cases, H.C. and G.S., 7 years.
192. Assisting escape in other cases, H.C. and G.S., 5 years.
192 (b). Officer aiding and permitting escape, H.C. and G.S., 5 years.
193. Escape by failure to perform legal duty, H.C. and G.S., 1 year.
194. Aiding escape from prison, H.C. and G.S., 2 years.
195. Unlawfully procuring discharge of prisoners, H.C. and G.S., 2 years.

Religion.

198. Blasphemous libels, H.C. and G.S., 1 year.
199. Obstructing officiating clergyman, H.C. and G..S., 2 years.
200. Violence to officiating clergyman, H.C., and G.S., 2 years.
201. Disturbing public worship, Sum. 1 J.P., $50 and costs or 1 month.

Morality.

202 Unnatural offence, H.C., and G.S., imprisonment for life.
203. Attempt to commit sodomy, H.C. and G.S., 10 years.
204. Incest, H.C. and G.S., 14 years and whipping.
205. Indecent acts, Sum. 2 J.P., $50 or 6 months with or without hard labour.
206. Acts of gross indecency, H.C. and G.S., 5 years and whipping.
207. Publishing obscene matter, H.C. and G.S., 2 years.
208 (1). Giving immoral theatrical performance, H.C. and G.S., 1 year, or fine of $500, or both, or Sum. 1 J.P., $50 or 6 months, or both.
208 (2). Actor putting on immoral play, Sum. 1 J.P., 3 months or $20, or both.
208 (3). Indecent costume, Sum. 1 J.P., 6 months or $50, or both.
209. Posting immoral books, etc., H.C. and G.S., 2 years.
211. Seduction of girls under sixteen, H.C. and G.S., 2 years.
212. Seduction under promise of marriage, H.C. and G.S., 2 years.
213. Seduction of a ward, servant, etc., H.C. and G.S., 2 years.
214. Seduction of females who are passengers on vessel, H.C. and G .S., $400 or 1 year.

215. Parent or guardian procuring defilement of a girl under fourteen, H.C. and G.S., 14 years, if girl over fourteen, 5 years.

216. Procuring girl for defilement or for prostitution, or enticing girl to house of ill-fame, H.C. and G.S., 5 years, with addition of whipping for second offence.

217. Householders permitting defilement of girl on their premises, H.C. and G.S., 10 years if girl is under 14; 2 years if girl is between 14 and 18.

218. Conspiracy to defile, H.C. and G.S., 2 years.

219. Carnally knowing idiots, H.C. and G.S., 4 years.

220. Prostitution of Indian women, H.C. and G.S., $10 to $100 or 6 months' imprisonment.

220A. Corrupting children, Sum. Con., $500 or 1 year, or both.

Nuisances.

222. Common nuisances which are criminal, H.C. and G.S., 1 year.

224. Selling things unfit for food, H.C. and G.S., 1 year, 2nd offence, 2 years.

228. Disorderly houses, H.C. and G.S., 1 year.

228A. Use of premises as disorderly house, Sum. 1 J.P., $200 costs, or 2 months, or both.

229. Being, without lawful excuse, in a disorderly house, Sum. 1 J.P., $100 and costs or 2 months.

229A. Inmate of a bawdy house, H.C. and G.S., $100 and costs or 2 months, or 12 months without option of fine.

230. Obstructing peace officer entering a gaming house, Sum. 2 J.P., not exceeding $100 or 6 months with or without hard labour.

231. Gaming in stocks and merchandise, H.C. and G.S., 5 years and fine of $500.

233. Habitually frequenting places where gaming in stocks is carried on, H.C. and G.S., 1 year.

234. Gambling in public conveyances, H.C. and G.S., 1 year.
Conductor, master, or superior officer on railroad car or steamboat who neglects his duty to have offenders punished, Sum. 1 J.P., $20 to $100.
Company or person failing to keep copy of s. 234 posted up in conspicuous place, Sum. 1 J.P., $20 to $100.

235. Betting and pool selling, H.C. and G.S., 1 year and fine not exceeding $1,000.

236. Lotteries, H.C. and G.S., 2 years and fine not exceeding $2,000.

Buying or receiving lottery ticket or other device, Sum. 1 J.P., $20.

237. Misconduct in respect to human remains, H.C. and G.S., 5 years.

Vagrancy.

239. Idle and disorderly persons, Sum. 1 J.P., $50 or not exceeding 6 months with or without hard labour, or both.

Preservation of Life.

244. Neglecting duty to provide necessaries, H.C. and G.S., 3 years.

245. Abandoning children under two years of age, H.C. and G.S., 3 years.

249. Causing bodily harm to apprentices or servants, H.C. and G.S., 3 years.

Murder and Manslaughter, etc.

263. Punishment of murder, H.C., death.

264. Attempts to commit murder, H.C., for life.

265. Threats in writing to murder, H.C., 10 years.

266. Conspiracy to murder, H.C., 14 years.

267. Accessories after the fact to murder, H.C., for life.

268. Punishment of manslaughter, H.C., for life.

269. Aiding and abetting suicide, H.C. and G.S., for life.

270. Attempt to commit suicide, H.C. and G.S., 2 years.

271. Neglecting to obtain assistance in childbirth, H.C. and G.S., for life or 7 years, depending upon the intent of the Act.

272. Concealing dead body of child, H.C., and G.S., 2 years.

Bodily Injuries, and Acts and Omissions Causing Danger to the Person.

273. Wounding with intent, H.C. and G.S., for life.

274. Wounding, H.C. and G.S., 3 years.

275. Shooting at His Majesty's vessels—wounding customs or inland revenue officers, H.C. and G.S., 14 years.

276. Disabling or administering drugs with intent to commit an indictable offence, H.C., and G.S., for life and whipping.

277. Administering poison so as to endanger life, H.C. and G.S., 14 years.
278. Administering poison with intent to injure, H.C. and G.S., 3 years.
279. Causing bodily injuries by explosives, H.C. and G.S., for life.
280. Attempting to cause bodily injuries by explosives, H.C. and G.S., with intent, for life, or 14 years.
281. Setting spring-guns and man-traps, H.C. and G.S., 5 years.
282. Intentionally endangering the safety of persons on railways, H.C. and G.S., life.
283. Negligently endangering the safety of persons on railways, H.C. and G.S., 2 years.
284. Negligently causing bodily injury to any person, H.C. and G.S., 2 years.
285. Injuring persons by furious driving, H.C. and G.S., 2 years.
285A. Driver of motor car not stopping after accident, Sum. 1 J.P., $50 and costs or 30 days.
285B. Taking away motor car without leave, Sum., 1 J.P. $500 and costs or 12 months or both.
286. Preventing the saving of the life of any person shipwrecked, H.C. and G.S., 7 years.
287. Leaving holes in the ice and excavations unguarded, Sum. 1 J.P., fine and imprisonment, or both.
288. Sending unseaworthy ships to sea, H.C. and G.S., 5 years.
289. Taking same to sea, H.C. and G.S., 5 years.

Assaults.

291. Common assault, H.C. and G.S., 1 year or $100 fine, or Sum. 1 J.P., and fine $20 or two months with or without hard labour.
292. Indecent or aggravated assaults on females, H.C. and G.S., 2 years and whipping.
293. Indecent assaults on males, H.C. and G.S., 10 years and whipping.
295. Assaults causing bodily harm, H.C. and G.S., 3 years.
296. Aggravated assault, H.C. and G.S., 2 years.
297. Kidnapping, H.C. and G.S., 25 years.

Rape and Abortion.

299. Punishment for rape, H.C., death or imprisonment for life.
300. Attempt to commit rape, H.C., 7 years.

301. Defiling children under fourteen, H.C. and G.S., imprisonment for life and whipping.
302. Attempt to commit such offence, H.C., and G.S., 2 years and whipping.
303. Attempt to procure abortion, H.C. and G.S., imprisonment for life.
304. Woman procuring her own miscarriage, H.C. and G.S., 7 years.
305. Supplying means to procure abortion, H.C. and G.S., 2 years.
306. Killing unborn child, H.C. and G.S., life.

Conjugal Rights—Bigamy—Unlawful Solemnization of Marriage—Abduction.

308. Punishment of bigamy, H.C. and G.S., 7 years, 2nd offence, 14 years.
309. Feigned marriages, H.C. and G.S., 7 years.
310. Punishment of polygamy, H.C. and G.S., 5 years and fine of $500.
311. Solemnization of marriage without lawful authority, H.C. and G.S., 2 years or fine, or both.
312. Solemnization of marriage contrary to law, H.C., and G.S., 1 year or fine.
313. Abduction of a woman with intent to marry, etc., H.C. and G.S., 10 years.
314. Abduction of an heiress, H.C. and G.S., 14 years.
315. Abduction of girl under sixteen, H.C. and G.S., 5 years.
316. Stealing children under fourteen, H.C. and G.S., 7 years.
316A. Communicating venereal disease, Sum. Con. $500 or 6 months or both.

Defamatory Libel.

332. Extortion by defamatory libel, H.C., 2 years or $600, or both.
333. Punishment of defamatory libel known to be false, H.C., 2 years or $400, or both.
334. Punishment for defamatory libel, H.C., 1 year or $200, or both.

Theft and Offences Resembling Theft.

358. Thefts by persons requiring to account or holding power of attorney or moneys under direction, H.C. and G.S., 14 years.

359. By clerks and servants, cashiers or government employees, H.C. and G.S., 14 years.

360. By tenants and lodgers, H.C. and G.S., 2 years, if value exceeds $25, 4 years.

361. Testamentary instruments, H.C. and G.S., imprisonment for life.

362. Documents of title to lands or goods, H.C. and G.S., 3 years.

363. Judicial or official documents, H.C. and G.S., 3 years.

364. Stealing post letter bags, H.C. and G.S., imprisonment for life or not less than 3 years.

365. Stealing post letters, packets and keys, H.C. and G.S., from 3 to 7 years.

366. Stealing mailable matter other than post letters, H.C. and G.S., 5 years.

367. Election documents, H.C. and G.S., fine or 7 years, or both.

368. Railway tickets, H.C. and G.S., 2 years.

369. Cattle, H.C. and G.S., 14 years.

370. Dogs, birds, beasts and other animals, if value exceeds $20, H.C. and G.S., fine $50 over value, or 2 years, or both, and, if value not over $20, Sum. 1 J.P., $20 over and above value of animal, or 1 month with hard labour; 2nd offence, 3 months with hard labour.

371. Oysters, H.C. and G.S., 7 years.
Using dredge within limits of oyster-bed, H.C. and G.S., 3 months.

372. Things fixed to buildings or to land, H.C. and G.S., 7 years.

373. Trees in pleasure grounds, etc., of five dollars' value, H.C. and G.S., 2 years.
Trees elsewhere of twenty-five dollars' value, H.C. and G.S., 2 years.

374. Trees of the value of twenty-five cents or more, Sum. 1 J.P., $25 over and above value of trees, 2nd offence, 3 months' hard labour.

375. Roots, plants, etc., growing in gardens, etc., Sum. 1 J.P., $20 over and above value, or 1 month with or without hard labour; 2nd offence indictable, 3 years.

376. Roots, plants, etc., growing elsewhere than in gardens, etc., Sum. 1 J.P., $5 over and above value or 1 month hard labour; 2nd offence, 3 months' hard labour.

377. Fences—stiles—gates, Sum. 1 J.P., $20 over and above value; 2nd offence, 3 months' hard labour.

377A. Theft of motor car, H.C. and G.S., min. 1 year; max. 2 years.
378. Ores of metals, etc., H.C., and G.S., 2 years.
379. Stealing from the person, H.C. and G.S., 14 years.
380. Stealing in dwelling houses, H.C. and G.S., 14 years.
381. Stealing by pickpockets, etc., H.C. and G.S., 14 years.
382. Stealing from ships, wharves, etc., H.C. and G.S., 14 years.
383. Stealing wreck, H.C. and G.S., 7 years.
384. Stealing on railways, H.C. and G.S., 14 years.
385. Stealing things deposited in Indian graves, Sum. 1 J.P., 1st offence, $100 or 3 months; 2nd offence, $100 or 6 months.
386. Stealing things not otherwise provided for, H.C. and G.S., 7 years; 2nd offence, 10 years.
387. If value of things stolen exceeds $200, two years may be added to punishment.
388. Stealing in manufactories, etc., H.C. and G.S., 5 years.
389. Fraudulently disposing of goods entrusted for manufacture, H.C. and G.S., 2 years.
390. Criminal breach of trust, H.C. and G.S., 7 years.
391. Public servants refusing to deliver up property lawfully demanded, H.C. and G.S., 14 years.
392. Fraudulently taking cattle, H.C. and G.S., 3 years.
393. Injuring or taking pigeons, Sum. 1 J.P., fine $10 over value of bird.
394. Fraudulently taking possession, etc., drift timber, etc., H.C. and G.S., 3 years.
395. Possessing trees, etc., without being able to account for them, Sum. 1 J.P., $10 above value of article.
396. Destroying, etc., documents, H.C. and G.S., 3 years.
397. Concealing same, H.C. and G.S., 2 years.
398. Bringing stolen property into Canada, H.C. and G.S., 7 years.

Receiving Stolen Goods.

399. Receiving property dishonestly obtained, H.C. and G.S., 14 years.
400. Receiving stolen post letter or post letter bag, etc., H.C. and G.S., 5 years.
401. Receiving property obtained by offence punishable on summary conviction, Sum. 1 J.P., as for stealing.

False Pretences.

405. Punishment of false pretence, H.C. and G.S., 3 years.
405A. Obtaining credit by false pretence, H.C. and G.S., 1 year.
406. Obtaining execution of valuable security by false pretence, H.C. and G.S., 3 years.
406A. False advertisements to promote sales, Sum. 1 J.P., $200 or 6 months, or both.
407. Falsely pretending to enclose money in a letter, H.C. and G.S., 3 years.
407A. False statements in writing as to financial standing, H.C. and G.S., 1 year and fine of $2,000.
407B. Fraudulently obtaining food or lodging, Sum. 1 J.P., $100 and costs or 3 months.

Personation.

408. With intent fraudulently to obtain property, H.C. and G.S., 14 years.
409. Personation at examinations, H.C. and G.S., or Sum. 1 J.P., $100 fine or 1 year's imprisonment.
410. Personation of owner of shares or stock or land grant or scrip, in order to obtain transfer, H.C. and G.S., 14 years.
411. Acknowledging instrument in false name, H.C. and G.S., 7 years.

Fraud and Fraudulent Dealing with Property.

412. Obtaining passage by false ticket, H.C. and G.S., 6 months.
413. Falsification of books, etc., by official, H.C. and G.S., 7 years.
414. False prospectus, etc., by directors, H.C. and G.S., 5 years.
415. False accounting by clerk, H.C. and G.S., 7 years.
416. False return by public officer, H.C. and G.S., 5 years and fine not exceeding $500.
417. Disposal of property with intent to defraud creditors or not keeping books, H.C., and G.S., $800 and 1 year.
418. Destroying or falsifying books with intent to defraud creditors, H.C. and G.S., 10 years.
419. Concealing deeds or encumbrances, or falsifying pedigree, H.C. and G.S., fine or 2 years, or both.
420. Frauds in respect to the registration of titles of land, H.C. and G.S., 3 years.

421. Fraudulent sales of property, H.C. and G.S., 1 year and fine not exceeding $2,000.

422. Fraudulent hypothecation of real property, H.C. and G.S., 1 year and not exceeding $100 fine.

423. Fraudulent seizures of land in Quebec, H.C. and G.S., 1 year.

424. Unlawful dealings with gold or silver mine, H.C. and G.S., 2 years.

424A. Unlawful possession of rock, ore or quartz containing gold or silver, H.C. and G.S., 2 years.

425. Warehousemen, etc., giving false receipts—knowingly using the same, H.C. and G.S., 3 years.

426. Owners of merchandise disposing thereof contrary to agreement with consignees who have made advances thereon, H.C. and G.S., 3 years.

427. Making false statements or receipts for property that can be used under "The Bank Act," fraudulently dealing with property to which such receipts refer, H.C. and G.S., 3 years.

429. Selling vessel or wreck not having title thereto, H.C. and G.S., 7 years.

430. Other offences respecting wrecks, H.C. and G.S., 2 years, or Sum. 2 J.P., $400 or 6 months, with or without hard labour.

431. Dealers in old marine stores, buying them from person under sixteen, Sum. 1 J.P., $4 first offence, $6 each subsequent offence.

2. Such dealer taking into his shop such purchases, except between sunrise and sunset, Sum. 1 J.P., $5 first offence, $7 each subsequent offence.

3. Possession of secreted stolen marine stores, H.C. and G.S., 5 years.

431A. Dealer in second hand goods unlawfully purchasing marked boom chains, Sum. Con. first offence, $25 or 30 days; second offence $50 or 60 days.

433. Unlawfully applying marks to public stores, H.C. and G.S., 2 years.

434. Obliterating marks from public stores, H.C. and G.S., 2 years.

435. Unlawful possession, sale, etc., of public stores, H.C. and G.S., 1 year, or if value does not exceed $25, Sum. 2 J.P., $100 or 6 months with hard labour.

436. Not satisfying justices that possession of public stores is lawful, Sum. 1 J.P., $25, or 3 months with or without hard labour.

436A. Fraud, etc., in connection with sale, etc., of military stores, H.C. and G.S., 2 years or $5,000 fine, or both fine and imprisonment.

437. Searching for stores near H. M. vessels, Sum. 2 J.P., $25 or 3 months.

438. Receiving regimental necessaries, etc., from soldiers or deserters, H.C. and G.S., 5 years; Sum. 2 J.P., $20 to $40 and costs or 6 months' imprisonment with or without hard labour.

439. Receiving, etc., necessaries from marines or seamen, H.C. and G.S., 5 years; Sum. 2 J.P., $20 to $120 and costs or 6 months.

440. Receiving, etc., a seaman's property, H.C. and G.S., 5 years, Sum. 1 J.P., $100; 2nd offence, $100 or 6 months with or without hard labour.

441. Not satisfying justice that possession of seaman's property is lawful, Sum. 1 J.P., $25.

442. Cheating at play, H.C. and G.S., 3 years.

443. Pretending to practice witchcraft, H.C. and G.S., 1 year.

444. Conspiracy to defraud, H.C. and G.S., 7 years.

Robbery and Extortion.

446. Punishment of aggravated robbery, H.C. and G.S., imprisonment for life and whipping.

447. Punishment of robbery, H.C. and G.S., 14 years.

448. Assault with intent to rob, H.C. and G.S., 3 years.

449. Stopping the mail, H.C. and G.S., imprisonment for life or not less than 5 years.

450. Compelling execution of documents by force, H.C. and G.S., imprisonment for life.

451. Sending letter demanding property with menaces, H.C. and G.S., 14 years.

452. Demanding with intent to steal, H.C. and G.S., 2 years.

453. Extortion by certain threats, H.C. and G.S., 14 years.

454. Extortion by other threats, H.C. and G.S., 7 years.

Burglary and Housebreaking.

455. Breaking place of worship and committing offence, H.C. and G.S., 14 years.

456. Breaking place of worship with intent to commit offence, H.C. and G.S., 7 years.
457. Burglary, H.C. and G.S., imprisonment for life.
458. Housebreaking and committing an indictable offence, H.C. and G.S., 14 years.
459. Housebreaking with intent to commit an indictable offence, H.C. and G.S., 7 years.
460. Breaking shop and committing an indictable offence, H.C. and G.S., 14 years.
461. Breaking shop with intent to commit an indictable offence, H.C. and G.S., 7 years.
462. Being found in dwelling-house by night, with intent, etc., H.C. and G.S., 7 years.
463. Being armed with intent to break a dwelling-house, H.C. and G.S., 7 years.
464. Being disguised or in possession of housebreaking instruments, H.C. and G.S., 5 years.
465. Punishment after previous conviction, H.C. and G.S., 14 years.

Forgery and Preparation therefor.

467. Uttering forged documents, H.C. and G.S. Same as forgery of the documents.
468. Forgery of any of the documents mentioned in this section, H.C. and G.S., imprisonment for life.
469. Forgery of any of the documents herein mentioned, H.C. and G.S., 14 years.
470. Forgery of any of the documents herein mentioned, H.C. and G.S., 7 years.
471. Preparation for forgery, H.C. and G.S., 14 years.
472. Counterfeiting government seals, H.C. and G.S., imprisonment for life.
473. Counterfeiting seals of courts, registry offices, etc., H.C. and G.S., 14 years.
474. Unlawfully printing counterfeit proclamation, etc., H. C. and G.S., 7 years.
475. Sending telegram in false name, with intent to defraud, H.C. and G.S., as for forgery.
476. Sending false telegrams with intent to injure, etc., H.C. and G.S., 2 years.
477. Drawing document without authority, H.C. and G.S., as for forgery.

478. Using probate obtained by forgery or perjury, H.C. and G.S., 14 years.
479. Counterfeiting stamps, etc., H.C. and G.S., 14 years.
480. Falsifying registers, H.C. and G.S., 14 years.
481. Falsifying extracts from registers, and concealment of, H.C. and G.S., 10 years.
482. Uttering false certificates, H.C. and G.S., 7 years.
483. Falsifying certificates, H.C. and G.S., 2 years.
484. Making false entries in books relating to public funds, H.C. and G.S., 14 years.
485. Clerks issuing false dividend warrants, H.C. and G.S., 7 years.

Forgery of Trade Marks—Fraudulent Marking of Merchandise.

491. Forgery of trade marks, etc., in violation of ss. 488, 489 or 490, H.C. and G.S., 2 years, with or without hard labour or fine, or both; Sum. 1 J.P., 4 months' imprisonment with or without hard labour, or fine not exceeding $100, 2nd offence 6 months' imprisonment with or without hard labour, or fine not exceeding $250.
492. Falsely representing that goods are manufactured for His Majesty, Sum. 1 J.P., fine not exceeding $100.
493. Unlawful importation of goods liable to forfeiture under this part, Sum. 1 J.P., $200 to $500.

Trade and Contract.

498. Conspiracy in restraint of trade, H.C., $200 to $4,000, or 2 years, if by a corporation, $1,000 to $10,000.
499. Criminal breaches of contract, H.C. and G.S., or Sum. 2 J.P., $100 or 3 months, with or without hard labour.
If by corporation or company, fine of $1,000, or by railway company in certain cases, $100.
500. Not posting up copies of provisions respecting criminal breaches of contract, Sum. 1 J.P., $20 for every day.
Defacing same, Sum. 1 J.P., $10.
501. Intimidation, H.C. and G.S., or Sum. 2 J.P., $100 or 3 months with or without hard labour.
502. Intimidation of any person to prevent him from working at any trade, H.C. and G.S., 2 years.
503. Intimidation of any person to prevent him dealing in wheat, etc. Unlawfully preventing seamen from working, H.C. and G.S., or Sum. 2 J.P., not exceeding $100 or 3 months with or without hard labour.

504. Intimidation of any person to prevent him bidding for public lands, H.C. and G.S., $400 or 2 years, or both.
505. Disposing of trading stamps to a merchant, H.C. and G.S., 1 year and $500.
506. Merchant disposing of, to customer, H.C. and G.S., 6 months and $200.
507. Executive officer of offending company liable to same punishment.
508. Purchaser receiving or taking same, Sum. J.P., $20.
508A. Performing dramatic, etc., copyrighted works without consent of author. Sum. 1 J.P., $250; for 2nd offence same fine or 2 months, or both.
508B. Unauthorized changing title, etc., of copyrighted drama. Sum. 1 J.P., $500; 2nd offence same fine or 4 months' imprisonment, or both.

Property—Mischief.

510. Wilful damage to property, H.C. and G.S. In Class A, imprisonment for life. In Class B, 14 years. Class C, 7 years. Class D, 5 years. Class E, 2 years.
511. Arson, H.C. and G.S., imprisonment for life.
512. Attempt to commit arson, H.C. and G.S., 14 years.
513. Setting fire to crops, trees, timber, etc., H.C. and G.S., 14 years.
514. Attempt to set fire to crops, etc., H.C. and G.S., 7 years.
515(1A). Negligently causing fire resulting in loss of life or property, H.C. and G.S., 2 years' imprisonment.
515A. Refusing to make alterations required by fire authorities, H.C. and G.S., $1,000 or 6 months or both.
515. Recklessly setting fire to forests, etc., H.C. and G.S., 2 years, Sum. 2 J.P., $50 or 6 months with or without hard labour.
516. Threats to burn, etc., H.C. and G.S., 10 years.
517. Mischief on railways, H.C. and G.S., 5 years.
518. Obstructing railways, H.C. and G.S., 2 years.
519. Injuries to packages in the custody of railways, or who unlawfully drinks or spills or allows to run waste any liquors, Sum. 1 J.P., $20 over and above value, or 1 month with or without hard labour, or both.
520. Mischief to mines, H.C. and G.S., 7 years.
521. Injuries to electric telegraph, etc., H.C. and G.S., 2 years. Attempt to commit, Sum. 1 J.P., $50 or 3 months with or without hard labour.

522. Wrecking, H.C. and G.S., imprisonment for life.
523. Attempting to wreck, H.C. and G.S., 14 years.
524. Preventing the saving of wrecked vessels, H.C. and G.S., 7 years.
Wilfully prevents or endeavours to prevent saving wreck, H.C. and G.S., 2 years, or Sum. 2 J.P., $400 or 6 months with or without hard labour.
525. Injuries to rafts of timber and works used for the transmission thereof, H.C. and G.S., 2 years.
526. Interfering with marine signals, H.C. and G.S., 7 years; mooring vessel to buoys, etc., Sum. 1 J.P., $10 or 1 month.
527. Removing natural bar necessary for a harbour, Sum. 1 J.P., $50.
528. Injuries to or erasures in election documents, H.C., and G.S., 7 years.
529. Injuries to buildings by tenants, H.C. and G.S., 5 years.
530. Injuries to fences, etc., Sum. 1 J.P., $20 over and above damage; 2nd offence, 3 months with hard labour.
531. Injuries to landmarks indicating municipal divisions, H.C. and G.S., 7 years.
532. Injuries to other landmarks, H.C. and G.S., 5 years.
533. Injuries to trees, etc., wheresoever growing, amounting to 25 cents in the least, Sum. 1 J.P., $25 over and above damages or 2 months; 2nd offence, $50 or 4 months hard labour; 3rd offence, H.C. and G.S., 2 years.
534. Injuries to vegetable productions growing in gardens, etc., Sum. 1 J.P., $20 over amount of the injury done, or 3 months' imprisonment with or without hard labour; 2nd offence, indictable 2 years.
535. Injuries to cultivated roots and plants growing elsewhere, Sum. 1 J.P., $5 over and above injury done, or 1 month with or without hard labour; 2nd offence 3 months hard labour.
536. Attempting to injure or poison cattle, H.C. and G.S., 2 years.
537. Injuries to other animals, Sum. 1 J.P., $100 over and above damage, or 3 months' imprisonment; 2nd offence, indictable.
538. Threats to injure cattle, H.C. and G.S., 2 years.
539. Injuries not otherwise provided for, Sum. 1 J.P., $20 and also not exceeding $20 compensation with costs, or imprisonment not exceeding 2 months with or without hard labour.

Cruelty to Animals.

542. Cruelty to animals, Sum. 2 J.P., $50 or 3 months with or without hard labour, or both.
543. Keeping cock-pit, Sum. 2 J.P., $50 or 3 months with or without hard labour, or both.
544. Cruelties in the conveyance of cattle, Sum. 1 J.P., $100.
545. Search of premises to ascertain breach of s. 544—Penalty for refusing admission to peace officer, Sum. 1 J.P., $5 to $20 or 30 days.

Bank Notes, Coin and Counterfeit Money.

550. Purchasing, receiving or possessing forged bank notes, H.C. and G.S., 14 years.
551. Printing circulars, etc., in likeness of bank notes, Sum. 2 J.P., $100 or 3 months.
552. Counterfeiting coins, etc., H.C. and G.S., imprisonment for life.
553. Dealing in and importing counterfeit coin, H.C. and G.S., imprisonment for life.
554. Manufacture of copper coin and importation of uncurrent copper coin, Sum. 1 J.P., $20 for every lb. troy thereof.
555. Exportation of counterfeit coin, H.C. and G.S., 2 years.
556. Making instruments for coining, H.C. and G.S., life.
557. Bringing instruments for coining from mints into Canada, H.C. and G.S., life.
558. Clipping current gold or silver coin, H.C. and G.S., 14 years.
559. Defacing current coins, H.C. and G.S., 1 year.
560. Possessing clippings of current coin, H.C. and G.S., 7 years.
561. Possessing counterfeit coin, H.C. and G.S., 3 years.
562. Offences respecting copper coin, H.C. and G.S., 3 years.
563. Offences respecting foreign coins, H.C. and G.S., 3 years.
564. Uttering counterfeit gold or silver coins, H.C. and G.S., 14 years.
565. Uttering light coins, medals, counterfeit copper coins, etc., H.C. and G.S., 3 years.
566. Uttering defaced coin, Sum. 2 J.P., not exceeding $10.
567. Uttering uncurrent copper coins, 1 J.P., fine twice the value of coin and in default 8 days.
568. Punishment after previous conviction, H.C. and G.S., imprisonment for life, 14 years, 7 years.
569. Advertising counterfeit money, etc., H.C. and G.S., 5 years.

Attempts—Conspiracy—Accessories.

570. Attempting to commit certain indictable offences, H.C. and G.S., 7 years.

571. Attempting to commit other indictable offences, H.C. and G.S., one-half longest term for offences.

572. Attempting to commit statutory offences, H.C. and G.S., 1 year.

573. Conspiring to commit certain indictable offences, H.C. and G.S., 7 years.

574. Accessories after the fact to certain indictable offences, H.C. and G.S., 7 years.

575. Accessories after the fact to other indictable offences, H.C. and G.S., one-half longest term for offence.

NOTE.—If the offence charged is one of conspiring or attempting to commit, or being accessory after the fact to, any offence which could not itself be tried at General Sessions, then only the High or Superior Court can try it. C.C., s. 583 (i).

Cruelty to Animals—

1. *Ill-treating Animals.—Statute:* Criminal Code, sec. 542 (*a*). *Offence:* Any person wantonly, cruelly, or unnecessarily, beating, binding, ill-treating, abusing, overdriving, or torturing any cattle, poultry, dog, domestic animal or bird, or any wild animal or bird in captivity. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* Fine not exceeding $50, or 3 months with or without hard labour or both.

2. *Injuring Animal by Ill-usage.—Statute:* Criminal Code, sec. 542 (*b*). *Offence:* Any person, while driving any cattle, or other animal, and through negligence or ill-usage in the driving thereof, is the means whereby any mischief, damage, or injury is done by any such cattle or other animal. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* Fine not exceeding $50 or 3 months with or without hard labour or both.

3. *Baiting, Cockfighting, &c.—Statute:* Criminal Code, sec. 542 (*c*.) *Offence:* Any person, in any manner encouraging, aiding or assisting, at the fighting or baiting of any bull, bear, badger, dog, cock, or other kind of animal, whether of domestic or wild nature. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* Fine not exceeding $50 or 3 months with or without hard labour or both.

4. *Keeping Cock-pit.—Statute:* Criminal Code, sec. 543. Any person building, making, maintaining, or keeping a cock-pit, on premises belonging to or occupied by him, or allowing a cock-pit to be built, made, maintained or kept on premises belonging to or occupied by him. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* Fine not exceeding $50 or 3 months with or without hard labour or both. Confiscation of all cocks found in cock-pit or on premises and the same to be sold for the benefit of the municipality.

5. *Conveying Cattle by Water or Rail without Properly Resting and Feeding the same.—Statute:* Criminal Code, sec. 544, and see also War Measures Order-in-Council, P.C. 2779. *Offence* under Code, sec. 544: Any railway company, or owner or master of a vessel, having cattle in transit, or the owner or person having the custody of such cattle, knowingly and wilfully failing to comply with the provisions of sec. 544 of the Criminal Code respecting the resting, watering and feeding of cattle during transit. *Prosecution:* On summary conviction. *Penalty:* Not exceeding $100.

6. *Obstructing Officer Searching for Cattle which have not Been Rested, Watered and Fed as Required During Transit.—Statute:* Criminal Code, sec 545 (2). *Offence:* Any person refusing admission to a peace officer or constable entering car, truck or vehicle or vessel where cattle are confined in violation of section 544 of Criminal Code. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $20, and not less than $5 and costs and in default of payment to 30 days imprisonment.

Customs—

I. Importation, Landing and Entry Inwards.

1. *Vessel Entering Canada at Place other than Port of Entry.—Statute:* The *Customs Act*, R. S. C. 1906, ch. 48, sec. 186. *Offence:* The master or person in charge of any vessel entering Canada at a place other than a port of entry, such entry not being due to stress of weather, or other unavoidable cause, such vessel having dutiable goods on board. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $800 fine if vessel is worth $800 or more; $400 fine where vessel is worth less than $800. Ship may be sold if default is made in payment of fine for more than 30 days. *Special Provisions:* Limitation of Action, 3 years. Appeal as in civil actions.

2. *Removing Goods before Examination and Payment of Customs Duties.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 187. *Offence:* Any person unlawfully importing or removing before examination and payment of duties any dutiable goods. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Equal to value of goods, forfeiture of goods seized. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal as in civil actions (sec. 282).

3. *Unloading Goods before Report to Customs Officers.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 188. *Offences* 1, Any person being master or person in charge of ship unloading from any vessel or vehicle, or putting same out of the custody of the master or person in charge of same before report is made as required by the *Customs Act;* or, 2, such master or person in charge of vessel or vehicle failing to make such report, or produce such goods; or, 3, making an untrue report, or 4, not truly answering the questions demanded of him. *Prosecution:* In Court of competent jurisdiction under sec. 265. Penalty: $400 and costs. *Special Provisions:* Vessel or vehicle may be detained until penalty is paid, and can be sold after 30 days if penalty not paid within that time. Goods can be seized and forfeited. Limitation of Action, 3 years (sec. 279). Appeal from conviction (sec. 282).

4. *Landing Goods before Making Entry under Customs.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 189. *Offence:* Any person being concerned in the landing of dutiable goods before due entry and warrant for landing, or otherwise contrary to the *Customs Act. Prosecution:* In Court of competent jurisdiction under sec. 265. *Penalty:* $400 and costs. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal from conviction (sec. 282).

5. *Goods Found on Board not Included in Report to Customs. —Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 190. *Offence:* If after master of vessel has made his report inwards, any goods are found on board of such vessel or landed therefrom which have not been reported. *Penalty:* Seizure and forfeiture of goods, unless it appears that there was no fraudulent intent, in which case master must amend his report.

6. *Breaking Bulk of Goods before Payment of Customs* Duties.—*Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 191. *Offence:* If the bulk is broken contrary to the *Customs Act,* the master forfeits $200, and the vessel may be detained

until this amount is paid or security given. The vessel may be sold after 30 days if no payment is made or security given. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (sec. 282).

7. *Importing Goods by Night without Permit.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 192. *Offence:* If any goods are imported into Canada in any vehicle, other than a railway carriage, or upon the person, between sunset and sunrise on any day or at any time on a Sunday or statutory holiday, except under a written permit from a collector of customs, and under the supervision of an officer, such goods, and the vehicle in which the same are imported, together with the fittings, furnishings and appurtenances, and the animals and the harness or tackle appertaining thereto, are forfeited. *Penalty:* If the articles so forfeited or any of them are not found, the owner at the time of importation, and the importer, and every other person who has been in any way connected with the unlawful importation of such article, forfeits a sum equal to the value of the articles, and is further liable on summary conviction before two Justices of the Peace to a penalty not exceeding $200 and not less than $50, or imprisonment not less than 1 month nor more than 1 year, or to both fine and imprisonment. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

8. *Importing Goods without Reporting, Answering Questions and Making Entry under Customs Act.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 193. It is provided that—(*a*) Any vehicle containing goods other than a railway carriage, arriving by land at any place in Canada whether any duty is payable on such goods or not; and (*b*) any such vehicle on arriving, if the vehicle or its fittings, furnishings or appurtenances or the animals drawing the same or their harness or tackle is or are liable to duty; and (*c*) any goods brought into Canada in the charge or custody of any person arriving in Canada on foot or otherwise, shall be forfeited, and may be seized and dealt with accordingly if the person in charge commits any of the following offences: *Offence:* Person in charge failing:—1, To come to the Custom House, nearest to the point at which he crossed the frontier line, or to the station of the officer nearest to such point, if such station is nearer thereto than any Custom House, and there make a report in writing to the collector or proper officer of Customs, stating the contents of each and every package and

parcel of such goods and the quantities and values of same; 2, to then truly answer all such questions respecting such goods, or packages, and the vehicle, fittings, furnishings and appurtenances appertaining thereto as the said collector or proper officer of customs requires of him; and (*c*) to then and there make due entry of the same in accordance with the law in that behalf. *Penalty:* If the articles so forfeited or any of them are not found, the owner at the time of importation, and the importer, and every other person who has been in any way connected with the unlawful importation of such articles shall forfeit a sum equal to the value of the articles. Further penalty on summary conviction before two Justices of the Peace, to fine not exceeding $200, and not less than $50, or imprisonment for a term not exceeding 1 year and not less than 1 month or both. *Special Provisions:* Limitation of Actions, 3 years (sec. 279). Appeal (secs. 281, 282).

9. *Conductor of Train Permitting Unloading before Making his Report to Customs.—Statute:* The *Customs Act*, R.S.C. 1906, ch. 48, sec. 194. *Offence:* The conductor of any train carrying freight arriving at any port in Canada, from any foreign port or place, allowing, without the written permission of the collector or proper officer of customs, any goods to be unladen from such train before such conductor shall have made his report as required by the *Customs Act;* or, failing to make such report; or, making an untrue report; or, does not truly answer any questions put to him respecting the same. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $400. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

10. *Railway Officials Aiding and Abetting Importation of Goods in Violation of the Customs Act.—Statute:* The *Customs Act*, R. S. C. 1906, ch. 48, sec. 195. *Offence:* Any conductor, baggage master, or officer or servant employed on any railway and every officer or servant employed by any express company, being privy to or aiding or abetting any unlawful importation of goods in violation of the *Customs Act. Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $200 and not less than $50, or to imprisonment for a term not exceeding 12 months, and not less than 3 months, or to both. Any goods unlawfully imported on any railway can be seized and forfeited and the car in which such goods were imported can be seized and detached from the train and forfeited. *Special Provisions:*

Appeal from conviction (sec. 281). Limitation of Action, 3 years (sec. 279).

11. *Assisting in the Landing of Goods Imported in Violation of the Customs Act.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 196. *Offence:* Any person assisting, or is otherwise concerned in the importing, unshipping, lading or removing, or in the harbouring of such goods, or into whose hands or possession the same knowingly come. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $200 fine or penalty equal to treble value of the goods, at the election of the person suing. All vessels, with the guns, tackle apparel, and furniture thereof, and all vehicles, harness, tackle, horses, and cattle made use of in the importation or unshipping or landing or removal of any goods liable to forfeiture can be seized and forfeited. *Special Provisions:* Evidence of election as to which penalty is being sued for is sufficiently shown by the averment in the proceedings. Appeal (secs. 281, 282). Limitation of Action, 3 years (sec. 279).

12. *Procuring Persons to Assist in Smuggling.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 197. *Offence:* Any person, by any means, procuring, hiring, or inducing, any person or persons to be concerned in the landing, unshipping, carrying or conveying of any goods, the importation of which is prohibited or for the landing of which permission has not been granted by the collector or other proper officer of customs. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $100 for every person so procured, hired, or induced. *Special Provisions:* Appeal (secs. 281, 282). Limitation of Action, 3 years (sec. 279).

13. *Unlawfully Importing Goods on Person or as Baggage.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 198. *Seizure and Forfeiture:* If any goods are unlawfully imported on the person or as baggage, or among the baggage of any one arriving in Canada, on foot or otherwise, such goods can be seized and forfeited.

14. *Importing Improperly Described Goods or Goods not Corresponding with Report of Vessel.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 199. *Seizure and Forfeiture:* Any goods taken or delivered out of any vessel by virtue of—(*a*) Any entry or warrant, not corresponding, as to the particulars of the goods and packages stated therein, with the particulars of the goods and packages purporting to be the same as in the

report of the vessel or other report where any is required to be made, by which the importation or entry of such goods is authorized; (*b*) any entry or warrant not properly describing the goods, are deemed goods landed without due entry and can be seized and forfeited.

15. *Importing Goods not Corresponding with Invoice.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 200. *Seizure and Forfeiture:* If any goods entered or attempted to be passed through the Customs are found which do not correspond with the goods described in the invoice or entry, such goods can be seized and forfeited.

16. *Importing Goods not Mentioned in Invoice or Entry.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 201. *Seizure and Forfeiture:* If, in any package any goods are inclosed which are not mentioned in the invoice or entry of such package, such goods, if found, can be seized and forfeited. If such goods are not found, but the value thereof has been ascertained, the owner, importer or other person who has made entry or caused to be made entry of such package, and who neglects on receipt of such package to immediately make report, and entry of such inclosure, forfeits the value thereof.

17. *Importation of Prohibited Goods.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 202. *Seizure and Forfeiture:* If upon the examination authorized by the *Customs Act* at any port of the contents of any package intended for importation into another port, or for exportation, any prohibited goods are found therein, all the goods in such package can be seized and forfeited.

18. *Importing Medicinal Preparations without being Marked "Alcoholic" or "Non-Alcoholic."—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 203. *Seizure and Forfeiture:* If any medicinal preparation, whether chemical or not, which is usually imported with the name of the manufacturer, does not when imported, have the true name of such manufacturer, and the place where such preparation is prepared, and the word "Alcoholic," if the preparation contains alcohol, or "Non-Alcoholic," if it does not contain alcohol, permanently and legibly affixed to each parcel by stamp, label or otherwise, all parcels thereof not so stamped, labelled or otherwise marked can be forfeited and seized by any officer.

19. *Being in Possession of Wreck without Report or Payment of Customs Duty.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 204. *Offence:* Any person having in posses-

sion in port or on land, any goods derelict, flotsam, jetsam, or wreck, which are dutiable, and failing to give notice thereof to the nearest officer of customs without unnecessary delay or does not, on demand, pay the duties thereon or deliver the same to the proper officer. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $200, in addition to all other liabilities and penalties incurred by him. The goods can be seized and forfeited. *Special Provisions:* Appeal (secs. 281, 282). Limitation of Action, 3 years (sec. 279).

20. *Smuggling.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 206 (*a*). *Offence:* Any person smuggling or clandestinely introducing into Canada any goods subject to duty. *Penalty:* Goods can be seized and forfeited, if found. If not found and value can be ascertained, then the person offending forfeits the value as so ascertained. In addition, the offender is liable (*a*) to forfeit a sum equal to the value of such goods recoverable in any Court of competent jurisdiction; and (*b*) to a further penalty on summary conviction before two Justices of the Peace, of an amount not exceeding $200 and not less than $50 or imprisonment not exceeding 1 year nor less than 1 month, or to both fine and imprisonment. *Special Provisions:* Appeal from conviction (secs. 281, 282). Limitation of Action, 3 years.

21. *Passing False Invoices through Customs.—Statute:* The *Customs Act,* R.S.C. 1906, ch. 48, sec. 296(*b*). *Offence:* Any person making out or passing or attempting to pass through the Custom House, any false, forged, or fraudulent invoice of any goods. *Penalty:* Goods can be seized and forfeited if found. If not found and value can be ascertained then the person offending forfeits the value as so ascertained. In addition, the offender is liable (*a*) to forfeit a sum equal to the value of such goods recoverable in any Court of competent jurisdiction; and (*b*) to a further penalty, on summary conviction before two Justices of the Peace of an amount not exceeding $200 and not less than $50 or imprisonment not exceeding 1 year and not less than 1 month, or to both fine and imprisonment. *Special Provisions:* Appeal 281-2, Limitation of Action, 3 years (sec. 279).

22. *Evading Customs Duty.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 206 (*c*). *Offence:* Any person in any way attempting to defraud the revenue by evading the payment of the duty, or any part of the duty on any goods. *Penalty:* Goods can be seized and forfeited, if found. If not found, and value can be ascertained, then the person offending forfeits the

value so ascertained. In addition, the offender is liable (*a*) to forfeit a sum equal to the value of such goods, recoverable in any Court of competent jurisdiction; and (*b*) to a further penalty on summary conviction before two Justices of the Peace of an amount not exceeding $200 and not less than $50 or imprisonment not exceeding 1 year and not less than 1 month, or to both fine and imprisonment. *Special Provisions:* Appeal from conviction under secs. 281, 282. Limitation of Action, 3 years under sec. 279.

23. *Possessing Blank Invoices Certified for Customs Purposes.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 207. *Offence:* Any person without lawful excuse, the proof of which lies on the accused, sending or bringing into Canada or, (being in Canada) has in possession any bill-heading or other paper appearing to be a heading or blank capable of being filled up and used as an invoice, and bearing any certificate purporting to show, or which may be used to show, that the invoice which may be made from such bill-heading or blank is correct or authentic. *Prosecution:* On indictment. *Penalty:* $500 fine and imprisonment in discretion of Court not exceeding 12 months. *Special Provisions:* Persons sending in false invoice cannot recover price of goods (sec. 208).

24. *False Statements in Declarations.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 209. *Offence:* Any person making wilfully false statement in any declaration by the owner, consignee or importer of any goods, or his attorney or agent attached to the bill of entry under the authority of the *Customs Act. Prosecution:* Court of competent jurisdiction. *Penalty:* Goods can be seized and forfeited in same manner and with the same effect as if such false statement were contained in the oath connected with the entry and the person making the false statement is subject to the same penalties, forfeitures and punishment as if he had himself taken the oath and had made such false statement therein.

II. Smuggling.

25. *Vessel Found Hovering with Prohibited Goods on Board. —Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 210. *Offence:* If upon the examination by any officer of Customs of the cargo of any vessel found hovering in British waters within one league of the coasts or shores of Canada, any goods, the importation of which into Canada is prohibited are found on

board, such vessel with her apparel, rigging, tackle, furniture, stores and cargo can be seized and forfeited, and if the master or person in charge refuses to comply with the lawful directions of such officer, or does not truly answer such questions as are put to him respecting such ship or vessel or her cargo he is liable to a penalty of $400. *Special Provisions:* Appeal under sections 281, 282. Limitation of Action, 3 years under sec. 279.

26. *Prohibited or Smuggled Goods being Found in Vessel or Vehicle.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 211. *Offence:* If, upon search by any officer of Customs under the authority of the *Customs Act,* any prohibited or smuggled goods or goods respecting which there has been any violation of any of the requirements of the *Customs Act,* are found in any vessel or vehicle of any description whatsoever, whether arriving from places beyond or within the limits of Canada such goods and the vessel or vehicle in which the same are found together with all the sails, rigging, tackle, apparel, horses, harness and all other appurtenances which belong to or are attached to such vessel or vehicle can be seized and forfeited.

27. *Placing dutiable Goods in Building or Boundary Line. —Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 212. *Offence:* If, within the limits of Canada, any person deposits, places or carries, or causes to be deposited, placed or carried in; through or into any building upon the boundary line between Canada and any foreign country, or the premises connected therewith any dutiable goods, without payment of duty or contrary to the Customs Act or customs laws or regulations, such person thereby incurs a penalty: *Penalty:* Fine not exceeding $1,000 and not less than $200. *Prosecution:* In Court of competent jurisdiction. *Special Provisions: Appeal* (secs. 281, 282). Limitation of Action, 3 years (sec. 279). Seizure and forfeiture of goods found (sec. 213).

28. *Concealing Goods on Board Vessel.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 214. *Offence:* If upon search of any vessel by any officer of Customs any goods are found concealed on board they can be seized and forfeited, and if any mark, lock, or seal upon any goods on board is wilfully altered, opened or broken, before the delivery of the goods, or if any goods are secretly conveyed away, or if any hatchway fastened down by the officer is opened by the master or with his assent, the master thereby incurs a penalty. *Penalty:* Fine of $400, and the vessel may be detained until the penalty is paid or

satisfactory security is given for payment, and unless payment is made within 30 days such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping, and selling same. *Prosecution:* In Court of competent jurisdiction. *Special Provisions:* Appeal (secs. 281, 282). Limitation of Action, 3 years (sec. 279).

29. *Smuggling in Company with Others.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 215. *Offence:* If any two or more persons in company are found together, and they or any of them have any goods liable to forfeiture under the *Customs Act.* Every such person having knowledge of the fact is guilty of an indictable offence and punishable accordingly. *Prosecution:* On indictment. *Penalty:* None specifically mentioned. *See* CRIMINAL CODE.

30. *Being on Board Smuggling Vessel.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 216. *Offence:* Any person proved to have been on board any vessel or boat, liable to forfeiture, for having been found within one league of the coasts or shores of Canada, having on board or attached thereto or conveying anything subjecting such vessel or boat to forfeiture; or, proved to have been on board any vessel or boat from which any part of the cargo has been thrown overboard or destroyed or in which any goods have been unlawfully brought into Canada. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $100 if he has been knowingly concerned in any of such acts. *Special Provisions:* Appeal (secs. 281, 282). Limitation of Action, 3 years (sec. 279).

31. *Resisting Search of the Person.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 217. *Offence:* Any person obstructing or offering resistance to any search of the person, authorized to be made by the *Customs Act,* or assisting in so doing. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $100. *Special Provisions:* Appeal (sec. 281, 282). Limitation of Action, 3 years (sec. 279).

32. *Concealing on the Person, Prohibited or Dutiable Goods. —Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 218. *Offence:* If any person who is on board or who has landed from or got out of any vessel, boat or vehicle within any port in Canada or entering Canada by land or inland navigation, or who has entered Canada from a foreign country in any manner or way upon being questioned by any officer of customs as to whether he has any goods subject to entry at the Customs or prohibited

goods secreted about his person, denies having any such goods or does not produce such as he has, and if any such goods are found upon him on being searched, the goods can be seized: *Prosecution:* In Court of competent jurisdiction. *Penalty:* Treble value of goods. *Special Provisions:* Appeal (secs. 281, 282). Limitation of Action, 3 years (sec. 279).

33. *Keeping or Selling Goods Unlawfully Imported.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 219. *Offence:* Any person knowingly harbouring, keeping, concealing, purchasing, selling or exchanging any goods unlawfully imported into Canada, whether such goods are dutiable or not, or whereon the duties lawfully payable have not been paid. *Penalty:* The goods, if found, can be forfeited and seized and, if not found, the offender forfeits the value. In addition to any other penalty the offender forfeits a sum equal to the value of the goods, and further, on summary conviction before two Justices of the Peace, is liable to a fine not exceeding $200, and not less than $50 or imprisonment not exceeding one year and not less than one month, or to both. *Prosecution:* In Court of competent jurisdiction. *Special Provisions:* Appeal under secs. 281, 282. Limitation of Action, 3 years (sec. 279).

34. *Altering or Defacing Customs Marks.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 220. *Offence:* Any person wilfully altering, defacing or obliterating any mark placed by any officer of Customs on any package of warehoused goods or goods in transit. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $500. *Special Provisions:* Appeal (sec. 281, 282). Limitation of Action, 3 years (sec. 279).

35. *Failing to Warehouse or Ex-warehouse Goods Entered Therefor.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 222. *Offence and Penalty:* If any goods entered to be warehoused are not duly carried into and deposited in the warehouse or having been so deposited are afterwards taken out of the warehouse without lawful permit, or having been entered and cleared for exportation from the warehouse, and not duly carried and shipped, or otherwise conveyed out of Canada, or are afterwards re-landed, sold, used or brought into Canada without the lawful permission of the proper officer of the Customs, such goods may be seized and forfeited.

36. *Re-landing Ships Stores and Selling Same in Canada.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 223. *Offence and Penalty:* If any goods which have been delivered

out of warehouse as ships stores for any vessel under the authority of the *Customs Act*, are re-landed, sold or disposed of in Canada without due entry and payment of duty such goods and the vessel for or from which they were delivered can be seized and forfeited.

37. *Goods Ex-warehoused upon Entry not Corresponding.—Statute:* The *Customs Act*, R. S. C. 1906, ch. 48, sec. 224. *Offence and Penalty:* If any goods are laden or taken out of warehouse by an entry outwards or a shipping warrant not corresponding as to the particulars of the goods and packages stated therein, with the particulars in the entry inwards, or in which the goods are not properly described by the character, denomination, and circumstances under which they were originally charged with duty, such goods can be seized and forfeited. See also sec. 225, which deems certain goods to be taken without due entry and therefore to be seized and forfeited.

38. *Concealing or Removing Warehoused Goods.—Statute:* The *Customs Act*, R. S. C. 1906, ch. 48, sec. 226. *Offence and Penalty:* If any warehoused goods are concealed in or unlawfully removed from any customs warehouse in Canada, such goods can be seized and forfeited and any person concealing or unlawfully removing any such goods incurs the same penalties as are imposed on persons illegally importing or smuggling goods into Canada. Upon discovery of such concealment or removal all goods belonging to the importer or owner of the concealed or removed goods, then remaining in the same or any other warehouse, can be placed under detention until the duty payable on the goods so concealed or removed, and all penalties incurred by him, have been paid. If such duties and penalties are not paid within one month after the discovery of the concealment or removal of such goods, the goods so detained can be dealt with in the same manner as goods unlawfully imported or smuggled into Canada.

39. *Entering Railway Car, Delivering Goods, Unloading or Distributing Cars when Duty not Paid.—Statute:* The *Customs Act*, R. S. C. 1906, ch. 48, sec. 227 as amended 1907, ch. 10, sec. 10. *Offences:* Any person without written authority of the collector or other proper officer of customs:—(*a*) By any contrivance gaining access to bonded goods in a railway car or to goods in a railway car, upon which goods the customs duties have not been paid; or, (*b*) delivers bonded or other goods upon which customs duties have not been paid, or aids or abets such delivery; or, (*c*) except in consequent accident to the car, unloads or

removes from any car any bonded or other goods upon which customs duties have not been paid, or aids or abets such unloading or removal; or, (*d*) contrary to the order of the collector at any port of entry, distributes any car or cars on a track or siding not designated by the collector for holding the cars at such port, when any of the cars contain imported goods in bond or under customs manifests to be entered at customs at that port or aids or abets such distribution. *Prosecution:* On summary conviction before two Justices of the Peace, or Police Magistrate, or other magistrate having powers of two Justices of the Peace. *Penalty:* Fine not exceeding $100 and not less than $10 or imprisonment not exceeding 3 months or both. *Special Provisions:* Appeal (sec. 281). Limitation of Action, 3 years (sec. 279).

40. *Obtaining Fraudulent Access to Customs Warehouse.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 228. *Offence:* Importer or owner of any warehoused goods, or any person in his employ, by any contrivance, opening the warehouse in which the goods are, or gaining access to the goods except in the presence of or with the express permission of the proper officer of customs. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $100. *Special Provisions:* Appeal (sec. 281, 282). Limitation of Action, 3 years (sec. 279).

41. *Opening and Unpacking Goods Under Control of Customs.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 229. *Offence:* Any person, without lawful authority, opening or unpacking, or aiding or assisting in the opening or unpacking of any package of goods under the control of the customs authorities, before such package has been sent to the examining warehouse for examination and the contents examined and approved. *Prosecution:* In Court of competent jurisdiction. *Penalty:* An amount equal to the value of the contents of the package so delivered or the goods can be seized or forfeited. *Special Provisions:* This section does not render unlawful or authorize the imposition of any penalty for the opening or unpacking of any package of goods designated for examination which has remained at the examination warehouse for a period of three days after the same has been actually delivered at such examining warehouse (sec, 229). Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

42. *Refusing to Return Goods to Customs when Required for Examination.—Statute:* The *Customs Act,* R. S. C. 1906, ch.

48, sec. 230. *Offence:* Any person having the custody or having possession or control of any package or any goods which have been delivered without examination, upon being required by the collector of customs at the port at which such goods are entered to return the same to the customs or examining warehouse, failing within ten days of being so required to so return the said goods or any portion thereof. *Prosecution:* In Court of competent jurisdiction. *Penalty:* An amount equal to the value of the goods so returned. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

43. *Contravening Act or any Regulation Respecting Warehousing for Customs Purposes.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 231. *Offence:* The owner of any goods warehoused or entered for warehouse, contravening any provision of the *Customs Act,* or any rule, or regulation lawfully made thereunder respecting warehousing of any goods, or removing same from one warehousing port to another, or one warehouse to another in same port. *Prosecution:* In Court of competent jurisdiction. *Penalty:* The goods can be detained until such penalty is paid and, if the goods have passed out of the possession of the customs, they can be seized wheresoever or in whosesoever possession the same may be found. A penalty equal to double duty on the goods can be collected in addition to any other penalties or forfeitures provided by the *Customs Act. Special Provisions:* The claim of the customs for the penalty has precedence over claims of all persons against the goods. Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

III. Appraisement.

44. *Refusing to Act as Appraiser.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 232. *Offence:* Any person chosen to make an appraisement required under the *Customs Act,* after due notice of such choice has been given to him in writing, declining or neglecting without good and sufficient cause to make such appraisement. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $40. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

45. *Refusing to Attend or Answer Before Appraiser.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 233. *Offence:* Any person lawfully called before any appraiser or any collector acting as such, or the persons selected to appraise any goods under the authority of the *Customs Act,* neglecting or refusing

to attend, or declining to answer or refusing to answer in writing, if required, any interrogatories, or to subscribe his name to his deposition or answer, or to produce any letters, accounts, invoices, or other papers or account books, in his possession relating to any such appraisement when required so to do. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $50. *Special Provisions.* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

46. *False Swearing by Owner, Importer or Consignee on Appraisement.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 234. *Offence and Penalty:* If upon examination on oath touching the appraisement of any goods under the authority of the *Customs Act,* the owner, importer or consignee of the goods under appraisement wilfully swears falsely, the goods can be seized and forfeited.

IV. Non-payment of Duty.

47. *Selling Goods without Payment of Customs Duties.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, secs. 235, 236. *Offence and Penalty:* If any goods imported or taken out of warehouse for the use of His Majesty's Troops or for any purpose for which such goods may be imported free of duty, are sold after importation, and if the duties to which such goods are consequently liable and charged thereon are not paid, such goods can be forfeited, and may be seized and dealt with accordingly. Every animal or vehicle and goods of any kind brought into Canada by any traveller, and which have been exempted from duty under regulation of the Minister or otherwise can, if sold, or offered for sale in Canada without the payment of the duties thereon, be seized and forfeited together with the harness or tackle employed therewith or in the conveyance thereof.

V. Exportation and Entry Outwards.

48. *Entering Goods Outwards and not Exporting.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 237. *Offence and Penalty:* If any goods have been entered outwards to be exported from a customs warehouse, either by sea or by land, or by inland navigation, as the case may be, the person entering the same for such purpose incurs a penalty equal to double the duties of importation on such goods in case of non-performance of the obligation so incurred to export, land or deliver and produce

satisfactory proof thereof as provided in the *Customs Act. Prosecution:* In Court of competent jurisdiction. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

49. *Re-landing or Failing to Perform Obligation to Export. —Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 238. *Offence and Penalty:* If any goods entered outwards to be exported, are not exported, landed or delivered, or otherwise lawfully disposed of, or if they are fraudulently re-landed, in or brought into Canada, in violation of the Customs law or regulations, such goods can be seized and forfeited together with any vessel or vehicle from or in which they have been so landed or brought into Canada or in which they may be found. The person entering the same for exportation, is, in any such case, and whether such goods are seized or not, be liable for the payment of such penalty of double duty as under sec. 238, in addition to any other penalties or forfeitures to which, for any of the causes aforesaid, he may be liable under the *Customs Act. Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

50. *Carrying Goods out of Limits of Port of Outward Entry before Entry.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 239. *Offence and Penalty:* If any railway car or other vehicle, upon which are laden any goods consigned to a port or place out of Canada, to be transported by railway or other land conveyance, is taken out of the limits of the port at which the entry for exportation ought to be made, before entry for exportation is duly made or before the export duty, if such goods are liable for any, is paid, or otherwise, contrary to the provisions of this Act, the company or person so taking the same incurs a penalty of $400. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

51. *Person Other than Owner making Entry Outwards.— Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 240. *Offence:* Any person making any entry outwards, of goods from warehouse for exportation, who is not the owner or duly authorized by the owner thereof or the master of the vessel by which they are to be shipped. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $200. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

52. *Failing to make Report and Entry of Goods Shipped in Canada.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48,

sec. 241. *Offence:* The owner, shipper, or consignor of any goods, shipped at any port or place in Canada on board any vessel bound to any port or place out of Canada or to be transported by rail or other land conveyance from any port or place in Canada to any port or place out of Canada, refusing or neglecting to make report and entry of the articles shipped or laden by him as required by the *Customs Act. Prosecution:* In Court of competent jurisdiction. *Penalty:* $200. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

53. *Prohibited Goods Carried Coastwise.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 242. *Offence and Penalty:* If any goods, the exportation or carrying coastwise or by inland navigation of which is prohibited by the *Customs Act,* or by the Governor-in-Council under the authority of this Act, are exported, carried coastwise, or by inland navigation or water, borne, or laden in any railway carriage or other vehicle for the purpose of being so exported or carried, they can be seized and forfeited.

54. *Contravening Customs' Act, Rule or Regulation Respecting Imported Goods Entered for Exportation.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 243. *Offence:* The importer of any goods imported into Canada, and entered for exportation contravening any provision of the *Customs Act,* or any rule, or regulation lawfully made thereunder respecting the entry or exportation of imported goods entered for exportation. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Double amount of duty to which such goods are at the time subject. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282). Goods may be seized and detained wherever found (sec. 245).

55. *Contravening Customs Act, Rule or Regulation, Respecting Dutiable Goods in Transit Through Canada.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 244. *Offence:* The importer of any goods entered at any frontier customs port and passing on to any customs port in any other part of Canada, or in transit through Canada by way of any customs port of exit in Canada, contravening any provision of the *Customs Act,* or any rule or regulation lawfully made thereunder respecting the entry or passing on or transit of any such goods. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Double the amount of duty to which such goods are at the time subject. *Special*

Provisions: Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282). Goods may be seized and detained wherever found (sec. 245).

56. *Vessel Leaving Canada without Clearance Papers.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 246. *Offence and Penalty:* If any vessel departs from any port or place in Canada, without a clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, or if having received a clearance, such vessel adds to her cargo or takes another vessel in tow or performs any work without having mentioned in the report outwards the intention so to do, the master incurs a penalty of $400, and the vessel can be detained until this penalty is paid. If not paid within 30 days vessel may be sold. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

VI. Regulations.

57. *Shipping or Unshipping, Importing or Exporting, Carrying or Conveying Goods in Violation of Regulations under Customs Act.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, secs. 247, 248. *Offence:* All goods shipped or unshipped, imported or exported, carried or conveyed contrary to any regulation made by the Governor-in-Council, and all goods or vehicles and vessels under the value of $400, with regard to which the requirements of any such regulation have not been complied with, can be seized and forfeited. If with regard to any vessel of the value of $400 or upwards the requirements of any such regulation have not been complied with, the master by such non-compliance incurs a penalty of $400. The vessel may be detained and after 30 days sold if penalty not paid. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

VII. Officers.

58. *Illegal Search of Person.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 249. *Offence:* Officer requiring any person to be searched without reasonable cause. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Not exceeding $40. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

59. *Police Neglecting to Convey Seized Goods to Custom House.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec.

250. *Offence:* Every police or peace officer, who has detained any goods, property or vehicle subject or liable to forfeiture, neglecting to convey same to the Customs House, or to give notice of having stopped the same as by the *Customs Act* prescribed. *Prosecution:* On summary conviction. *Penalty:* $100 and in default of payment 30 days' imprisonment. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (sec. 281).

60. *Collector Allowing Payment of Duty to be Avoided or Deferred.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 251. *Offence:* Collector of customs or other officer allowing payment of duties of customs to be avoided or deferred, for any cause or consideration whatsoever, except by regular entry for warehouse. *Prosecution:* In Court of competent jurisdiction. *Penalty:* An amount equal to the full value of such goods, and the duty accruing thereon. The goods are liable to seizure and can be dealt with as goods unlawfully imported into Canada. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

61. *Bribery and Corruption of Officers, Neglecting Duty or Making Collusive Seizure or Release.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 252. *Offence:* Any officer of customs, and any person employed, with concurrence of Minister, for prevention of smuggling, making any collusive seizure, or delivering up or making any agreement to deliver up or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under the *Customs Act;* or, taking or accepting a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty. *Prosecution:* On indictment. *Penalty:* Fine of $500 and imprisonment not less than 3 months nor more than 2 years, and disqualification from office. *Special Provisions:* Limitation of Action, 3 years (sec. 279).

62. *Persons Bribing or Tempting Customs Officers to Neglect their Duty.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 252 (2). *Offence:* Any person giving, offering or promising to give, or procuring to be given, any bribe, recompense, or reward to, or making any collusive agreement with, any customs officer or person employed with the concurrence of the customs officer, to induce him in any way to neglect his duty or to conceal or connive at any act whereby the provisions of the *Customs Act,* or any law relating to customs, trade or navigation may be evaded. *Prosecution:* On indictment. *Penalty:* $500 fine and

imprisonment not less than 3 months, nor more than 2 years. *Special Provisions:* Limitation of Action, 3 years (sec. 279).

VIII. False Entry.

63. *Making False Statements in Entry at Customs.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 253. *Offence and Penalty:* If any entry passed at any Custom House is false in any particular to the knowledge of any person connected with the making thereof, all the packages and goods included or pretended to be included or which ought to have been included in such entry can be forfeited.

IX. Falsification of Documents.

64. *Counterfeiting Customs Documents or Uttering.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 254. *Offence:* Any person forging, counterfeiting, falsifying, or using when so forged, counterfeited or falsified, any paper, or document required under the *Customs Act* or for any purpose therein mentioned, whether written, printed or otherwise, or, by any false statement, procuring such document knowing the same to be forged, counterfeited or falsified, or, forging, counterfeiting or falsifying any certificate relating to any oath or declaration or affirmation required or authorized by the *Customs Act. Prosecution:* On indictment under sections Criminal Code.

X. Refusal to Answer Questions.

65. *Refusing to Answer Questions.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 255. *Offence and Penalty:* Any person required by the *Customs Act* or any other law to answer questions put to him by any officer of customs, refusing to answer, or not truly answering such questions, incurs in addition to any other penalty or punishment to which he is liable, a penalty of $400. *Prosecution:* In Court of competent jurisdiction. *Special Provisions:* Limitation of Action, 3 years (sec. 279).

XI. Maintenance of Officers on Ship.

66. *Master of Ship Refusing Accommodation to Customs' Officer.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 256. *Offence:* Master of ship refusing or neglecting to provide collector, or other proper officer of customs, stationed on board

ship, while he so remains on ship, with suitable accommodation and food. *Prosecution:* In Court of competent jurisdiction. *Penalty:* $200. *Special Provisions:* Limitation of Action, 3 years (sec. 279). Appeal (secs. 281, 282).

XII. Invoices, Books of Account, Etc.

67. *Failing to Produce Invoices, Books, Accounts, Etc., on Demand.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 257. *Offence:* Importer or exporter, owner or claimant neglecting or refusing to produce for inspection by collector or customs officers any invoice, bill, account, or statement, books of account, ledger, day book, cash book, letter book, etc. *Prosecution:* In Court of competent jurisdiction. *Penalty:* Not exceeding $5,000. *Special Provisions:* Appeal (secs. 281, 282). Limitation of Action, 3 years (sec. 279).

XIII. Theft of Goods Under Seizure.

68. *Theft of Goods Under Seizure of Customs.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 258. *Offence:* Any person without the permission of the officer or person seizing the same, or of some competent authority either secretly or openly, whether pretending to be the owner or not, and whether, with or without force or violence, taking or carrying away any goods, vessel or vehicle or other thing which have been seized or detained on suspicion, as forfeited under this Act, before the same have been declared by competent authority to have been seized without due cause. *Penalty:* Guilty of theft and punished accordingly.

XIV. Stopping Vehicles and Vessels.

69. *Refusing to Stop when Required in King's Name.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 259. *Offences:* 1, Master or person in charge of any vessel, and every driver or person conducting or having charge of any vehicle or conveyance, refusing or neglecting to stop such vessel, vehicle, or conveyance, when required so to do in the King's name by any customs' officer or person employed as such; 2, any person present at any such seizure or stoppage, when called upon in the King's name by such officer or person to aid and assist him in a lawful way, refusing or neglecting so to do. *Prosecution:* On summary

conviction before two Justices of the Peace. *Penalty:* $200 and in default of payment 6 months' imprisonment. *Special Provisions:* Appeal (sec. 281). Limitation of Action, 3 years.

XV. Prohibited or Smuggled Goods.

70. *Offering Goods for Sale as Prohibited or Smuggled Goods.—Statute:* The *Customs Act,* R. S. C. 1906, ch. 48, sec. 260 (2). *Offence:* Any person offering for sale any goods under pretence that the same are prohibited, or have been unshipped and run on shore or brought in by land or otherwise, without payment of duties. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* Treble value of goods and in default 60 days' imprisonment. The goods can be seized and forfeited although not liable to duties or not prohibited. *Special Provisions:* Appeal (sec. 281). Limitation of Action, 3 years (sec. 279).

D.

Dairies and Creameries—

1. *Selling Milk to Manufacturer below Standard.—Statute:* The *Dairy Industry Act,* 1914, ch. 7, sec. 4. *Offence:* Any person, firm, or corporation, selling, supplying or sending to any cheese, or butter or condensed milk or milk powder or casein, manufactory, or to milk or cream shipping station, or to a milk bottling establishment or other premises where milk or cream is collected for sale or shipment or to the owner or manager thereof or to any maker of butter, cheese, condensed milk or milk powder or casein to be manufactured:—(*a*) Milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skim milk, or any milk to which has been added any cream or foreign fat or any colouring matter, preservative, or other chemical substance of any kind; (*b*) milk from which any portion of that part of the milk known as strippings has been retained; (*c*) any milk taken or drawn from a cow that he knows to be diseased at the time the milk is so taken or drawn from her. *Prosecution:* On summary conviction. *Penalty:* Fine not less than $10 nor more than $50 and costs. Imprisonment in default of payment 6 months with or without hard labour. *Special Provisions:* Appeal (sec. 20). Moieties (sec. 21).

2. *Butter Substitutes and Re-manufactured Butter.—Statute:* The *Dairy Industry Act,* 1914, ch. 7, sec. 5. *Offence:* Any per-

son, firm, or corporation:—(*a*) Manufacturing, importing into Canada, or offering, selling, or having in his possession for sale any oleomargarine, margarine, butterine, or other substitute for butter manufactured wholly or in part from any fat other than that of milk or cream; (*b*) mixing with or incorporating with butter by any process of heating, soaking, rechurning, reworking or otherwise any cream, milk, skim milk, butter-milk or water to cause such butter when so treated to contain over 16% of water; (*c*) melting, clarifying, refining, rechurning or otherwise treating butter to produce what is generally known as "process" or "renovated" butter, or adding any milk or cream to butter. *Prosecution:* On summary conviction. *Penalty:* Fine, min., $200 and costs; max., $400 and costs. Imprisonment in default of payment 6 months with or without hard labour. *Special Provisions:* Appeal (sec. 20). Moieties (sec. 21). But see *Oleomargarine Act,* 1919, and amendments, with respect to sale of margarine in Canada.

3. *Unlawful Sale of Butter below Standard.—Statute:* The *Dairy Industry Act,* 1914, ch. 7, sec. 6 (1). *Offence:* Any person, firm or corporation, importing into Canada, or offering, selling or having in possession for sale:—(*a*) Any butter containing over 16% of water; (*b*) any process or renovated butter, or butter to which milk or cream has been added. *Prosecution:* On summary conviction. *Penalty:* Fine, min., $10 and costs; max., $50 and costs. Imprisonment in default of payment 6 months with or without hard labour. *Special Provisions:* Appeal (sec. 20). Moieties (sec. 21). But see *Oleomargarine Act,* 1919, and amendments.

4. *Unlawful Manufacture of Butter below Standard.—Statute:* The *Dairy Industry Act,* 1914, c. 7, sec. 6 (2). *Offence:* Any person, firm or corporation manufacturing any butter containing over 16% water. *Prosecution:* On summary conviction. *Penalty:* Fine, min., $10 and costs; max., $50 and costs. Imprisonment in default, 6 months with or without hard labour. *Special Provisions:* Appeal (sec. 20). Moieties (sec. 21).

5. *Unlawful Sale of Butter under Weight.—Statute:* The *Dairy Industry Act,* 1914, ch. 7, sec. 6 (3). *Offence:* Any person selling, offering or having in his possession for sale: (*a*) Any butter moulded or cut into prints, blocks, squares, or pats, unless such prints, blocks, squares or pats are of full net weight of ¼ lb., ½ lb., 1 lb., or 2 lbs., at the time they are moulded or cut. This does not apply to rolls or lumps of indiscriminate weight as sold

by farmers; or (*b*) any butter packed in tins or other packages alleged to contain any definite weight of butter unless such package contains the full net weight of butter as alleged, exclusive of weight of package, paper, brine or other filling. *Prosecution:* On summary conviction. *Penalty:* Fine, min., $10 and costs; max., $50 and costs. Imprisonment in default, 6 months with or without hard labour. *Special Provisions:* Appeal (sec. 20). Moieties (sec. 21).

6. *Manufacture and Sale of Skimmed Milk Cheese.—Statute:* The *Dairy Industry Act,* 1914, ch. 7, sec. 7. *Offence:* Any person either by himself or through the agency of any other person, or any firm or corporation manufacturing, or knowingly buying, selling, offering, exposing, or having in possession for sale, any cheese manufactured from or by the use of skimmed milk, to which has been added any fat which is foreign to such milk. *Prosecution:* On summary conviction. *Penalty:* Fine, min., $200 and costs; max., $400 and costs. Imprisonment in default, 6 months, with or without hard labour. *Special Provisions:* Appeal (sec. 20). Moieties (sec. 21).

7. *Adulterating Cheese.—Statute:* The *Dairy Industry Act,* 1914, ch. 7, sec. 8. *Offence:* Any person either by himself or through the agency of any other person, or any firm or corporation, (*a*) incorporating in a new cheese, during the process of its manufacture, any inferior curd or cheese; (*b*) knowingly selling, exposing or having in possession for sale, without giving due notice thereof, any cheese in which has been incorporated during manufacture, any inferior curd or cheese; (*c*) placing in a cheese during the process of its manufacture or at any time thereafter any foreign substance. *Prosecution:* On summary conviction. *Penalty:* Min., $10 and costs; max., $50 and costs. Imprisonment in default of payment, 6 months with or without hard labour. *Special Provisions:* Appeal (sec. 20). Moieties (sec. 21).

Dam—

1. *Injuring.—See* PROPERTY 8.

Dead Bodies—

1. *Neglecting to Bury Dead Human Body.—Statute:* The Criminal Code, sec. 237 (*a*). *Offence:* Any person, without lawful excuse, neglecting to perform any duty either imposed upon him by law or undertaken by him with reference to the burial of any dead human body or human remains. *Prosecution:* On indictment. *Penalty:* 5 years.

2. *Offering Indignity to Dead Human Body.—Statute:* The Criminal Code, sec. 237 (*b*). *Offence:* Any person improperly or indecently interfering with or offering any indignity to any dead human body or human remains whether buried or not. *Prosecution:* On indictment. *Penalty:* 5 years.

Defamatory Libel—

1. *Publishing any Defamatory Libel.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 334. *Offence:* Any person publishing any defamatory libel. *Prosecution:* On indictment. *Penalty:* 1 year or $200 or both.

2. *Publishing False Defamatory Libel.—Statute:* Code, sec. 333. *Offence:* Any person publishing any defamatory libel knowing the same to be false. *Prosecution:* On indictment. *Penalty:* 2 years or $400, or both

3. *Extortion by Libel.—Statute:* Code, sec. 332. *Offence:* Any person publishing or threatens to publish or offers to abstain from publishing, or offers to prevent the publishing of a defamatory libel with intent to extort any money or to induce any person to confer upon or procure for any person any appointment or office of profit or trust, or in consequence of any person having been refused any such money, appointment or office. *Prosecution:* On indictment. *Penalty:* 2 years or $600 or both.

Desertion—

1. *Persuading Soldier or Sailor to Desert.—Statute:* Code, sec. 82 (*a*). *Offence:* Person, not being an enlisted soldier in His Majesty's Service or a seaman in His Majesty's Naval Service, by words, or with money, or by any other means whatsoever, directly or indirectly, persuading or procuring, or going about or endeavouring to persuade, prevail on or procure, any such seaman or soldier to desert from or leave His Majesty's Military or Naval Service. *Prosecution:* On indictment or on summary conviction before two Justices of the Peace. *Penalty:* On indictment. Fine and imprisonment in the discretion of the Court. *On Summary Conviction:* Min., $80 and costs; max., $200. Imprisonment in default of payment, 6 months.

2. *Concealing Deserter. — Statute:* Code, sec. 82 (*b*). *Offence:* Any person, not being an enlisted soldier, in His Majesty's Service; or a seaman in His Majesty's Naval Service, concealing, receiving or assisting any deserter from His Majesty's Military or Naval Service, knowing him to be such deserter. *Prosecution:* On indictment or on summary conviction before

two Justices of the Peace. *Penalty:* On indictment. Fine and imprisonment in discretion of Court. On summary conviction, min., $80 and costs; max., $200. Imprisonment in default of payment, 6 months.

3. *Resisting Execution of Search Warrant for Deserter.—Statute:* Code, sec. 83. *Offence:* Any person resisting execution of any warrant authorizing the breaking open of any building to search for any deserter from His Majesty's Military or Naval Service. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* $80.

4. *Persuading, Assisting or Concealing Mounted Police or Militiaman to Desert.—Statute:* Code, sec. 84. *Offence:* Any person, persuading any man who has been enlisted to serve in any corps of militia, or who is a member of or has engaged to serve in the R. N. W. M. P. Force, to desert, or attempts to procure or persuade any such man to desert; or, knowing that any such man is about to desert, aids or assists him in deserting; or, knowing that any such man is a deserter, conceals him or aids or assists in his rescue. *Prosecution:* On summary conviction. *Penalty:* 6 months with or without hard labour.

5. *Desertion from Naval Service.—See* NAVAL SERVICE 1.

6. *Enticing Apprentice or Seaman to Desert.—See* SHIPPING 67, 86.

7. *Harbouring Seamen who have Deserted Ship.—See* SHIPPING 6, 8.

8. *Mercantile Marine.—See* SHIPPING 57-59, 76-78.

9. *Receiving Deserters' Clothing and Necessaries.—See* PUBLIC STORES 7, 10.

10. *Changing Colour of Regimental Clothing.—See* PUBLIC STORES 8.

11. *Failing to Report to Immigration Officials all Desertions from Ship's Crew.—See* IMMIGRATION 16.

12. *Government Vessels.—See* DISCIPLINE 1.

Discipline—

(*a*) GOVERNMENT VESSELS.

1. *Desertion.—Statute: Government Vessels Discipline Act,* R. S. C. 1906, s. 111, sec. 9 (*a*).—*Offence:* Person employed on Government vessel deserting. *Prosecution:* Summary conviction before one Justice of the Peace, or Dominion Police Commissioner. *Penalty:* Imprisonment, 4 weeks, with or without hard labour. Forfeiture of clothes and effects left on board, and also wages earned.

2. *Neglecting or Refusing to Join or Proceed to Sea.—Statute: Government Vessels Discipline Act,* R. S. C. 1906, ch. 111, sec. 9 (*b*). *Offence:* Neglecting or refusing, without reasonable cause, to join his vessel, or to proceed on any voyage or cruise in his vessel. *Prosecution:* Summary conviction before one Justice of the Peace or Dominion Police Commissioner. *Penalty:* Imprisonment, 4 weeks with or without hard labour, and in discretion of Court forfeiture of ten days' pay.

3. *Absent Without Leave.—Statute: Government Vessels Discipline Act,* R. S. C. 1906, ch. 111, sec. 9 (*b*). *Offence:* Man employed on Government vessel being absent without leave at any time within 24 hours of vessel sailing from any port, or absent at any time without leave and without sufficient reason from his vessel, or from duty not amounting to desertion. *Prosecution:* Summary conviction before one Justice of the Peace or Dominion Police Commissioner. *Penalty:* Imprisonment, 4 weeks with or without hard labour, and in discretion of Court, forfeiture of ten days' pay.

4. *Quitting Without Leave.—Statute: Government Vessels Discipline Act,* R. S. C. 1906, ch. 111, sec. 9 (*c*). *Offence:* Man employed on Government vessel quitting same without leave after arrival in port at close season of navigation and before vessel is placed in security. *Prosecution:* Summary conviction before one Justice of the Peace or Dominion Police Commissioner. *Penalty:* Forfeiture of ten days' pay.

5. *Wilful Disobedience.—Statute: Government Vessels Discipline Act,* R. S. C. 1906, ch. 111, sec. 9 (*d*). *Offence:* Man employed on Government vessel being guilty of wilful disobedience to any lawful command. *Prosecution:* Summary conviction before one Justice of the Peace or Dominion Police Commissioner. *Penalty:* Imprisonment, 4 weeks with or without hard labour, and in discretion of Court, forfeiture of two days' pay.

6. *Continued Disobedience.—Statute: Government Vessels Discipline Act,* R. S. C. 1906, ch. 111, sec. 9 (*e*). *Offence:* Man employed on Government vessel being guilty of continued wilful disobedience to lawful commands, or continued wilful neglect of duty. *Prosecution:* Summary conviction before one Justice of the Peace or Dominion Police Commissioner. *Penalty:* Imprisonment, 4 weeks with or without hard labour and in discretion of Court, 2 days' pay for every twenty-four hours continuance of such disobedience or neglect.

7. *Assault on Officers.—Statute: Government Vessels Discipline Act,* R. S. C. 1906, ch. 111, sec 9 (*f*). *Offence:* Man em-

ployed on Government vessel assaulting master or officer of any Canadian Government vessel. *Prosecution:* Summary conviction before one Justice of the Peace or Dominion Police Commissioner. *Penalty:* Imprisonment, 4 weeks with or without hard labour.

8. *Combining to Disobey.—Statute: Government Vessels Discipline Act,* R. S. C. 1906, ch. 111, sec. 9 (*g*). *Offence:* Man employed on Government vessel combining with any other or others of crew to disobey lawful commands, or neglect duty, or impede navigation of vessel, or progress of voyage, or continuance of cruise. *Prosecution:* Summary conviction before one Justice of the Peace or Dominion Police Commissioner. *Penalty:* Imprisonment, 4 weeks with or without hard labour.

9. *Wilful Damage or Embezzlement.—Statute: Government Vessels Discipline Act,* R. S. C. 1906, ch. 111, sec. 9 (*h*). *Offence:* Man employed on Government vessel wilfully damaging vessel or embezzling or wilfully damaging any stores. *Prosecution:* Summary conviction before one Justice of the Peace or Dominion Police Commissioner. *Penalty:* Forfeiture of wages equal to loss, and imprisonment not exceeding 4 weeks, in discretion of Court.

10. *Improper Arrest.—Statute: Government Vessels Discipline Act,* R. S. C. 1906, ch. 111, sec. 11 (4). *Offence:* Exercising right to arrest without warrant and detaining in any case in which the Court is of opinion that same was made on improper or insufficient grounds. *Prosecution:* Summary conviction before one Justice of the Peace or Dominion Police Commissioner. *Penalty:* $100. Conviction is bar to action for false imprisonment.

(*b*) SEAGOING SHIPS.

11. *Discipline on Board Merchant Ships.—See* SHIPPING 56-69.

Disorderly Houses—

1. *Keeping a Disorderly House or being Inmate of a Common Bawdy House under Section 773 (f).—Statute:* Criminal Code, sec. 773 (*f*). *Offence:* Any person:—1, Keeping a disorderly house under section 228 of the Criminal Code; or, 2, being an inmate of a common bawdy house under section 229 (*a*). *Prosecution:* On summary trial under section 773 before 2 Justices of the Peace. *Penalty:* Fine not exceeding (with costs) $200 or 6 months' imprisonment or both.

2. *Keeping a Disorderly House.—Statute:* Code, section 228. *Offence:* Any person keeping any disorderly house, that is to say, any common bawdy house, common gaming house, common betting house, or opium joint as defined by the Criminal Code. *Prosecution:* On indictment under section 228 or summary trial under section 773 (*f*). *Penalty:* On indictment under section 228. One year's imprisonment. Third or subsequent conviction imprisonment not less than 3 months nor more than 2 years.

3. *Landlord, Lessor or Agent Allowing Premises to be Used as a Disorderly House.—Statute:* Code, sec. 228A. *Offence:* Any person, as landlord, lessor, tenant, occupier, agent or otherwise, having charge or control of any premises, and knowingly permits such premises or any part thereof to be let or used for the purposes of a disorderly house. *Prosecution:* On summary conviction. *Penalty:* $200 and costs or 2 months or both.

4. *Person Found in Disorderly House.—Statute:* Code, sec. 229. *Offence:* Any person, without lawful excuse, found in any disorderly house. *Prosecution:* On summary conviction. *Penalty:* $100 and costs, and in default 2 months' imprisonment.

5. *Being an Inmate of a Bawdy House.—See* BAWDY HOUSE.

6. *Obstructing Entry into Disorderly House.—Statute:* Code, sec. 230. *Offences:*—1, Any person wilfully preventing any constable or other officer duly authorized to enter any disorderly house from entering the same or any part thereof; or, 2, obstructing or delaying any such constable or officer in so entering; 3, by any bolt, chain or other contrivance secures any external or internal door of or means of access to any common gaming house so authorized to be entered; 4, uses any means or contrivances whatsoever for the purpose of preventing, obstructing or delaying the entry of any constable or officer authorized as aforesaid, into any such disorderly house or any part thereof; 5, being the owner or other person in control of premises occupied or used as a disorderly house, knowingly allows any contrivance whatsoever upon the said premises for the purpose of preventing, obstructing or delaying the entry of any constable or other officer authorized as aforesaid into any such disorderly house or any part thereof. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* $100 and six months' imprisonment with or without hard labour.

Dividends—

1. *Issuing False Dividend Warrants for Government Stocks or Bonds.—See* GOVERNMENT STOCKS AND BONDS 3.

Documents—

1. *Quebec Savings Bank Officials Falsifying Documents.—See* QUEBEC SAVINGS BANKS 4.

2. *Compelling Execution of Document by Threats.—See* THREATS 1.

3. *Destroying Title Deeds.—See* TITLE DEEDS 1.

4. *Falsifying Title to Land.—See* TITLE DEEDS 2, 3.

5. *Drawing Document without Authority.—Statute:* Criminal Code, sec. 477. *Offence:* Any person, who with intent to defraud and without lawful authority or excuse, makes or executes, draws, signs, accepts or endorses, in the name or on the account of another person, by procuration or otherwise, any document, or makes use of, or utters any such document, knowing it to be so made, entered, signed, accepted or endorsed. *Prosecution:* On indictment. *Penalty:* Same punishment as if he had forged such document.

6. *Injuring or Destroying Dominion, Provincial, Municipal or Civic Election Documents.—See* ELECTIONS.

Dogs—

1. *Theft.—See* THEFT 22.

Dominion Elections—

(*a*) GENERAL ELECTIONS.

1. *Changes in Voters' Lists.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 247. *Offence:* Refusing or omitting to record changes on list of voters. *Prosecution:* Indictable. *Penalty:* Min., $100; max., $1,000. *Special Provisions:* Limitation of Action, 1 year.

2. *Transmission of Voters' Lists.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 248. *Offence:* Provincial officer refusing or omitting within 10 days after final revision to transmit copies of voters' lists to Clerk of Crown in Chancery. *Prosecution:* Indictable. *Penalty:* Min., $100; max., $1,000. *Special Provisions:* Limitation of Action, 1 year.

3. *Misfeasance by Election Officers.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 249. *Offence:* Being guilty of wilful misfeasance, or wilful act or omission in violation of the *Election Act* while acting as officer or clerk. *Penalty:*

$500 in addition to damages occasioned. Recoverable in Court of competent jurisdiction by action of debt or information. Imprisonment in default of payment, 2 years. *Special Provisions:* Limitation of Action, 1 year.

4. *Neglect of Duty by Election Officers.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 250. *Offence:* Refusing or neglecting to perform obligations or formalities required by *Election Act. Penalty:* Forfeiture of $200 to person suing. Recoverable in action of debt or information. Imprisonment in default of payment, 2 years. *Special Provisions:* Limitation of Action, 1 year.

5. *Defacing Proclamations.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 250A. *Offence:* Taking down, covering up, mutilating, defacing or altering any proclamation, notice, voters' list, or other document required to be posted up under the *Elections Act. Prosecution:* Court of competent jurisdiction. *Penalty:* Min., $50 and costs; max., $100 and costs, and in default of payment imprisonment, min., 3 months; max., 1 year with or without hard labour. Penalty for returning officer, election or poll clerk, or other officer engaged in election, min., $100 and costs; max., $500 and costs and in default of payment imprisonment, min., 1 year; max., 3 years, with or without hard labour.

6. *Refusing to Furnish Returning Officer with Documents.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 251. *Offence:* Refusing to furnish returning officer with documents on demand. *Prosecution:* Indictable. *Penalty:* Min., $200; max., $2,000. Limitation of Action, 1 year.

7. *Election Officers Acting as Agents.—Statute: Dominion Elections Act,* R S. C. 1906, ch. 6, sec. 252. *Offence:* Acting as agent for candidate when holding position as returning officer, deputy returning officer, or partner or clerk or either. *Prosecution:* Indictable.

8. *Varying Oath of Qualification.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 253. *Offence:* Administering election oath to person possessed of qualifications required by provincial law, and mentioning any fact which is not a disqualification. *Penalty:* Min., $10; max., $50. *Prosecution:* Recoverable in Court of competent jurisdiction by action of debt or information. Limitation of Action, 1 year.

9. *Illegally Refusing Ballot to Voter in P.E.I.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 254.—*Offence:*

Refusing a ballot and right to vote to any person entitled to vote in P. E. Island. *Penalty:* $200. *Prosecution:* Recoverable by person suing therefor by action of debt or information. Limitation of Action, 1 year.

10. *Fraud and Forgery in Connection with Ballots.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 255. *Offence:* Illegally supplying ballot, fraudulently putting ballot in box, taking ballot out of polling station, destroying or opening ballot box or packet of ballots, counterfeiting stamp, illegally initialling bogus ballots, printing ballots, printing more ballots than required, making false marks on ballots or using false boxes or attempting to commit any of these offences. *Prosecution:* Indictable. *Penalty:* For returning officer, deputy, clerk, etc., imprisonment without option, min., 1 year; max., 5 years, with or without hard labour. Any other person, imprisonment, min., 1 year; max., 3 years with or without hard labour. *Special Provisions:* Limitation of Action, 1 year. Disqualification from voting at election for eight years. (Am. 1908, ch. 26, sec. 26).

11. *Not Obeying Summons of Returning Officer.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 256. *Offence:* Refusing or neglecting to attend on summons of returning officer in case where ballot boxes are not forthcoming. *Prosecution:* Indictable. *Penalty:* $200 or 2 years' imprisonment or both. Limitation of Action, 1 year.

12. *Neglecting to Return Elected Candidate.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 257. *Offence:* Neglecting or refusing to duly return candidate elected and entitled to sit. *Penalty:* $500. *Prosecution:* Court of competent jurisdiction. Recoverable by action of debt, with damages. Limitation of Action, 1 year.

13. *Secrecy of Ballot.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 258. *Offence:* Failing to maintain secrecy of the poll; interfering with voter marking ballot; displaying marked ballot; inducing to display ballot; informing as to number of ballot; disclosing for whom vote has been polled; failing to maintain secrecy at counting of votes. *Penalty:* Returning officer, etc., imprisonment, min., 6 months, max., 1 year with or without hard labour. Other person, min., $100 and costs, max., $200 and costs. Imprisonment in default, min., 3 months, max., 6 months, with or without hard labour. Disqualification 7 years.

14. *Refusing to Deliver up Weapons.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 259. *Offence:* Refusing

to deliver up to returning officer offensive weapons when within ½ mile of poll. *Penalty:* $100, in default of payment 3 months' imprisonment. Limitation of Action, 1 year.

15. *Entering Polling District on Polling Day Armed.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 260(*a*). *Offence:* Entering polling district on poll day armed. Indictment or summarily. *Penalty:* $100 or 3 months or both. Limitation of Action, 1 year.

16. *Flags and Emblems.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 260. *Offence:* Supplying flags for carriages, carrying or using ensigns, furnishing ribbons, wearing ribbons, etc. *Prosecution:* Indictable or summarily. *Penalty:* $100 or 3 months, or both. Limitation of Action, 1 year.

17. *Intoxicating Liquors.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 261. *Offence:* Selling or giving spirituous or fermented liquors or strong drinks within limits of polling division during polling day. *Prosecution:* Summary conviction. *Penalty:* $100, in default of payment, 6 months. Limitation of Action, 1 year.

18. *Payments Otherwise than Through Agents.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 262. *Offence:* Making any payment except personal expenses during election, on account of election, except through official agent. *Prosecution:* Indictable. Limitation of Action, 1 year.

19. *Statements of Expenses of Candidate.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 263. *Offence:* Making default in delivering to returning officer statements of election expenses of candidate. *Penalty:* $20 a day during default.

20. *False Statements as to Expenses.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 264. *Offence:* Wilfully furnishing to returning officer any untrue statement of expenses of candidate. *Prosecution:* Indictable. Limitation of Action, 1 year.

21. *Bribery.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 265. *Offence:* Giving money to procure votes, giving or promising employment; gift or promise in order to obtain return of any person; procuring return in consequence of gift, or promise; advancing money to be used in bribery; demanding bribe of candidate or agent; receiving money before or during election for promise to vote or refrain from

voting, or bribing candidates. *Prosecution:* Indictable as bribery. *Penalty:* 6 months' imprisonment and forfeiture of $200 to person suing, with costs. Limitation of Action, 1 year. Disqualification for 8 years from voting or holding office under Crown. (1908, ch. 26, sec. 29). *See* BRIBERY AND CORRUPTION 8.

22. *Treating of any Person by Candidate.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 266. *Offence:* Treating of any person by candidate during election. *Penalty:* $200 and costs forfeited to person suing. Limitation of Action, 1 year.

23. *Treating Voter During Election.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 267. *Offence:* Treating voter during election. Indictable. *Penalty:* $100 or 3 months or both. Limitation of Action, 1 year.

24. *Treating Voter on Nomination or Polling Day.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 268. *Offence:* Treating any voter on nomination or polling day. Forfeiture of $10, with costs to any party suing therefor.

25. *Undue Influence.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 269. *Offence:* Using undue influence to compel voter to vote or abstain from voting. Indictable, also forfeiture of $200 to person suing therefor. Limitation of Action, 1 year.

26. *Paying for Conveyance of Voters to Poll.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 270. *Offence:* Paying for conveyance of voters to poll. Disqualification from voting at such election. Forfeiture of $100, to person suing therefor. Limitation of Action, 1 year. Disqualified from voting at such election. (1908 ch. 26, sec. 30).

27. *Voters Hiring Conveyances.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 271. *Offence:* Hiring conveyances to carry voters. Disqualification of voter and forfeiture of $100 to person suing therefor. Limitation of Action, 1 year. Disqualified from voting at such election. (1908 ch. 26, sec. 31).

28. *Personation.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 272. *Offence:* Applying for ballot in name of another person or voting twice at same election. *Penalty:* Min., $50; max., $200, and imprisonment. Min., 3 months; max., 2 years. Limitation of Action, 1 year.

29. *Subornation of Personation.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 273. *Offence:* Aiding, abet-

ting, counselling or procuring offence of personation. *Penalty:* Min., $100, max., $200, and imprisonment. Min., 3 months, max., 2 years. Limitation of Action, 1 year.

30. *Subornation by Candidate of Personation or Pejury.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 274. *Offence:* Candidate inducing personation or taking of false oath. Indictable. *Penalty:* Additional punishment, $200 to person suing. Limitation of Action, 1 year.

31. *Voting of Prohibited Persons.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 275. *Offence:* Voting at any election knowing that he is not entitled to vote thereat. *Penalty:* Guilty of unlawful act. Additional punishment, forfeiture of $100 and costs to person suing. Limitation of Action, 1 year.

32. *False Statement of Withdrawal of Candidate.—Statute: Dominion Elections Act,* R. S. C. 1906, ch. 6, sec. 276. *Offence:* Publishing false statement of withdrawal of candidate at election. *Penalty:* Guilty of unlawful act. Additional punishment, forfeiture of $100 to person suing therefor, with costs. Limitation of Action, 1 year.

33. *Canvassing by Person not Resident in Canada.—Statute: Dominion Elections Act,* 1908, ch. 26, sec. 33. *Offence:* Person, not a voter, residing outside Canada canvassing for votes or inducing voters to vote for any candidate or to refrain from voting. *Prosecution:* Indictable. *Penalty:* Min., $100 and costs; max., $200 and costs. Imprisonment in default of payment, min., 3 months; max., 6 months with or without hard labor.

34. *Omitting Name and Address of Printer on Hand Bills, &c.—Statute: Dominion Elections Act,* 1908, ch. 26, sec. 34. *Offence:* Person printing, publishing or posting up any advertisement, hand bill, placard, poster, dodger, &c., having reference to the election, not bearing name and address of printer and publisher on face of document. *Penalty:* $200 and costs. Imprisonment in default of payment, 6 months with or without hard labour.

35. *False Statements as to Character or Conduct of Candidate.—Statute: Dominion Elections Act,* 1908, ch. 26, sec. 35. *Offence:* Person, before or during election making or publishing false statement of fact in relation to personal character or conduct of candidate. *Penalty:* Min., $100 and costs; max., $500 and costs. Imprisonment in default of payment. Min. 6 months, max., 2 years with or without hard labour.

36. *Corporations Contributing to Campaign Funds.—Statute: Dominion Elections Amendment Act,* 1908, ch. 26, sec. 36.

Offence: Person who asks or knowingly receives, and any director, shareholder, officer, attorney, or agent of company or association aiding, abetting, or taking part in contributing, loaning, advancing, paying, promising or offering to pay any money or its equivalent to or for or in aid of any party, committee or association or in furtherance of any political purpose whatever. *Prosecution:* Indictable. *Penalty:* $1,000, or 2 years imprisonment or both.

Elections (Military Voters)—

(*b*) MILITARY VOTERS.

37. *Violating Provisions of Military Voters' Act, 1917.—Statute:* The *Military Voters Act,* 1917, ch. 34, sec. 17 (1). *Offence:* Any person, wilfully and without lawful cause:— 1, Signing the name of any other person to any telegraphic message, with intent to procure such message to be sent as a message from such other person in respect of any matter provided for in Part IV. of the *Dominion Elections Act;* or 2, causing any delay in the transmission or delivery to the Secretary of the High Commissioner's office, or the Commissionaire Général du Canada in France, or to the General Returning Officer, of any envelope endorsed in accordance with Part IV. of the *Elections Act;* or 3, opening any such envelope; or, 4, attempting to obtain or communicate any information as to the party or person for whom or the manner in which any vote is given in any particular ballot paper used under Part IV. of the *Elections Act;* or 5, preventing or endeavouring to prevent any military elector from voting; or 6, making any untrue statement as to his name or corps for insertion in a certificate; or 7, signs a certificate containing any untrue statement; or 8, falsely represents to any election officer that any certificate was issued to him. *Prosecution:* On summary conviction. *Penalty:* $200 and costs or 6 months or both.

38. *Personation of Military Voter.—Statute:* The *Military Voters' Act,* 1917, ch. 34, sec. 17 (2). *Offence:* 1, Any person knowingly applying for a ballot paper or certificate under Part IV. of the *Dominion Elections Act* to which he is not entitled; and 2, any person knowingly signing such certificate or signing any untrue certificate. *Penalty:* Min., $50; max., $200 and imprisonment not less than 3 months nor exceeding 2 years.

Drugs—

1. *Supplying Drugs to Procure Abortion.—Statute:* The Criminal Code, R. S. C. 1906, sec. 305. *Offence:* Any person unlawfully supplying or procuring any drug or other noxious thing, or any instrument or thing whatsoever knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she is or is not with child. *Prosecution:* On indictment. *Penalty:* 2 years.

2. *Administering Drugs or Liquor to Enable Unlawful Carnal Knowledge.—Statute:* The Criminal Code, R. S. C. 1906, ch. 146, sec. 216 (*k*). *Offence:* Any person applying, administering to or causing to be taken by any woman or girl any drug, intoxicating liquor, matter or thing with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl. *Prosecution:* On indictment. *Penalty:* 5 years and on second or subsequent conviction to be whipped in addition.

3. *Administering Chloroform or Stupefying Drug with Intent.—Statute:* The Criminal Code, R. S. C. 1906, ch. 146, sec. 276 (*b*). *Offence:* Any person with intent thereby to enable himself or any other person to commit, or with intent thereby to assist any other person in committing an indictable offence, unlawfully applies or administers to or causes to be taken by, or attempts to apply or administer to, or attempts or causes to be administered to or taken by any person, any chloroform, laudanum, or other stupefying or overpowering drug, matter or thing. *Prosecution:* On indictment. *Penalty:* Life imprisonment and whipping.

4. *Administering Poison, &c., with Intent to Endanger Life or Cause Bodily Harm.—Statute:* The Criminal Code, R. S. C. 1906, ch. 146, sec. 277. *Offence:* Any person unlawfully administering to or causing to be administered to or taken by, any other person any poison or other destructive or noxious thing so as thereby to endanger the life of such person or so thereby to inflict upon such person any grievous bodily harm. *Prosecution:* On indictment. *Penalty:* 14 years.

5. *Administering Poison, &c., with Intent to Injure or Annoy.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 278. *Offence:* Any person unlawfully administering to, or causing to be administered to or taken by, any other person, any poison, or other destructive or noxious thing with intent to

injure, aggrieve or annoy, such person. *Prosecution:* On indictment: Penalty: 3 years.

Drunkenness—

1. *Mail Carrier Drunk on Duty.—See* POST OFFICE 15.

2. *Driver or Conductor on Government Railway Drunk on Duty.—See* RAILWAYS 8.

3. *Sailor Drunk on Duty Aboard Ship at Sea.—See* SHIPPING 56.

4. *Sailor Drunk on Duty Aboard Ship on Inland Waters.—See* SHIPPING 75.

5. *Pilot of Ship Drunk on Duty.—See* SHIPPING 110.

6. *Boarding Steamer in Drunken Condition.—See* SHIPPING 146.

7. *Drunken Person on Board Ship Molesting Passengers.—See* SHIPPING 146.

8. *Drunkenness on Indian Reserves.—See* INDIANS 23, 26, 27.

9. *Drunk and Disorderly.—Statute:* Criminal Code, sec. 238 (*f*). *Offence:* Being a loose, idle, or disorderly person or vagrant by causing a disturbance in or near any street, road, highway or public place, by screaming, swearing, or singing or by being drunk or by impeding or incommoding peaceable passengers. *Prosecution:* On summary conviction. *Penalty:* $50 or 6 months with or without hard labour or both under sec. 239.

Duels—

1. *Challenge to Fight a Duel.—Statute:* The Criminal Code, sec. 101. *Offence:* Any person challenging or endeavouring by any means to provoke any person to fight a duel or endeavours to provoke any person to challenge any other person to do so. *Prosecution:* On indictment. *Penalty:* 3 years.

E.

Elections—

1. *Dominion General Elections.—See* DOMINION ELECTIONS.

2. *Assault on Polling Day.—See* ASSAULT 16.

3. *Documents.—See* ELECTION DOCUMENTS.

Election Documents—

1. *Injuring or Destroying Dominion, Provincial, Municipal or Civic Election Documents.—Statute:* Criminal Code, sec. 528. *Offence:* Any person wilfully destroying, injuring, or obliterating, or causing to be destroyed, injured or obliterated,

or, making, or causing to be made, any erasure, addition of names, or interlineation of names in or upon any writ of election, or any return to a writ of election, or any indenture, poll book, voters' list, certificate, affidavit or report, or any document, ballot or paper made, prepared or drawn out according to any law in regard to Dominion, Provincial, Municipal, or Civic elections. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Other Offences Respecting Election Documents.* — *See* DOMINION ELECTIONS.

3. *Theft of Election Documents.*—*See* THEFT 19.

Electricity—

(*a*) INSPECTION AND SALE.

1. *Default in Supplying Electricity.*—*Statute: Electricity Inspection Act,* 1907, ch. 14, sec. 30. *Offence:* Contractor of supply of electricity, making default in complying with sections 4-10 of the *Electricity Inspection Act. Prosecution:* Summary conviction before one Justice of the Peace where penalty is $20, or under two Justices of the Peace, where penalty exceeds $20. Penalty, $20 a day during default, recoverable with costs. *Special Provisions:* Distress. Limitation of Action, 6 months.

2. *Neglecting to Keep Books.*—*Statute: Electricity Inspection Act,* 1907, ch. 14, sec. 31. *Offence:* Contractor of supply of electricity failing to keep books showing persons who have meters. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $50 and costs. Distress. Limitation of Action, 6 months.

3. *Forging Meter Stamps.*—*Statute: Electricity Inspection Act,* 1907, ch. 14, sec. 32 (1). *Offence:* Forging or counterfeiting stamp or mark used for stamping or marking meter under *Electricity Inspection Act. Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* Min., $50 and costs; max., $200 and costs. Forfeiture and destruction of meter. Distress for penalty. Limitation of Action, 6 months.

4. *Uttering Meters with Forged Stamps.*—*Statute: Electricity Inspection Act,* 1907, ch. 14, sec. 32 (2). *Offence:* Selling, uttering, disposing of, letting, lending, or exposing for sale an electric meter with forged or counterfeit marks. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* Min., $20 and costs; max., $200 and costs. Forfeiture and destruction of meter. Distress for penalty. Limitation of Action, 6 months.

5. *Tampering with Electric Meters.—Statute: Electricity Inspection Act,* 1907, ch. 14, sec. 33. *Offence:* Repairing, altering or tampering with meter or wires leading to meter so as to cause meter to register wrongly. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* Min., $50 and costs; max., $100 and costs, and expenses caused of fixing new meter, etc. Conviction not a bar to indictment or action for damages. Distress for penalty. Limitation of Action, 6 months.

6. *Fixing Unstamped Meter.—Statute: Electricity Inspection Act,* 1907, ch. 14, sec. 34. *Offence:* Knowingly fixing for use any meter before stamping and verification. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $25 and costs. Distress for penalty. Limitation of Action, 6 months.

7. *Breaking Seal on Meter.—Statute: Electricity Inspection Act,* 1907, ch. 14, sec. 35. *Offence:* Person, other than inspector or contractor in certain cases, wilfully breaking or causing to be broken any seal on meter which has been once verified and sealed under the *Electricity Inspection Act. Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $25 and costs. Distress for penalty. Limitation of Action, 6 months.

8. *Neglect of Duty by Inspectors.—Statute: Electricity Inspection Act,* 1907, ch. 14, sec. 36. *Offence:* Inspector stamping meter without testing; or, refusing to inspect after 3 days' notice to do so; or, neglecting to perform any duty laid on him by Act or regulations. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* Min., $10 and costs; max., $50 and costs. Dismissal from office. Limitation of Action, 6 months.

9. *Unauthorized Stamping of Meters.—Statute: Electricity Inspection Act,* 1907, ch. 14, sec. 37. *Offence:* Person other than inspector, verifying or stamping meter or issuing certificate of accuracy or condition of meter, after it has been fixed for use. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $25 and costs for each meter. Distress for penalty. Limitation of Action, 6 months.

10. *Penalties not Otherwise Provided for.—Statute: Electricity Inspection Act,* 1907, ch. 14, sec. 38. *Offence:* Violating any of the provisions of the *Electricity Inspection Act* or regulations made thereunder, for which no penalty has been specially provided. *Prosecution:* Summary conviction before one Justice of the Peace if $20 or under; two Justices of the

Peace if over $20. Maximum penalty $100 and costs. Limitation of Action, 6 months.

(*b*) EXPORTATION.

11. *Unlawful Exportation of Electric Power.—Statute: Electricity and Fluid Exportation Act,* 1907, ch. 16, sec. 7. *Offence:* Exporting any electric power or fluid (petroleum, natural gas or other fluid) by means of lines or pipes without license under the *Electricity and Fluid Exportation Act. Penalty:* Min., $1,000; max., $5,000 for each day on which export takes place.

12. *Unlawfully Laying Wires, Pipes, &c., for Export of Power.—Statute: Electricity and Fluid Exportation Act,* 1907, ch. 16, sec. 8. *Offence:* Constructing, placing or laying live wire, or other conductor for exporting power, or laying any pipe line or other contrivance for exportation of natural gas, petroleum or other fluid. *Penalty:* Min., $1,000; max., $5,000 and forfeiture of lines, pipes, &c. Removal and destruction of lines, &c.

(*c*) MISCELLANEOUS.

13. *Theft of Electricity.—See* THEFT 9.

14. *Wilful Breach of Contract to Supply Electric Light or Power.—See* BREACH OF CONTRACT 2, 3.

Employment Agencies—

These are dealt with under the Immigration Regulations passed under sec. 66 of the *Immigration Act,* 1910. *Vide* Canada Gazette, Vol. xlvii., p. 1239; and amending regulations, vide Canada Gazette, Vol. xlvii., p. 1239. Also by the *Employment Offices Co-ordination Act,* 1918, ch. 21, and regulations made thereunder dated 17th December, 1918, vide Canada Gazette, extra date, 23rd December, 1918.

Escapes and Rescue—

1. *Escape—Prisoners of War.—Statute:* The Criminal Code, R. S. C, 1906, Part IV., ch. 146, sec. 186. *Offence:* Any person who knowingly and wilfully:—1, Assists any alien enemy of His Majesty, being a prisoner of war in Canada, to escape from any place in which he may be detained; or, 2, assists any such prisoner as aforesaid, suffered to be at large on his parole in Canada or in any part thereof, to escape from the place where he

is at large on his parole. *Prosecution:* On indictment. *Penalty:* 5 years.

2. *Escape—Prison Breach.—Statute:* The Criminal Code, R. S. C. 1906, Part IV., ch. 146, sec. 187. *Offence:* Any person, who by force or violence, breaks any prison with intent to set at liberty himself or any person confined therein on any criminal charge. *Prosecution:* On indictment. *Penalty:* 7 years.

3. *Escape — Attempted Prison Breach. — Statute:* The Criminal Code, R. S. C. 1906, Part IV., ch. 146, sec. 188. *Offence:* Any person who attempts to break prison or who forcibly breaks out of his cell or makes any breach therein with intent to escape therefrom. *Prosecution:* On indictment. *Penalty:* 2 years.

4. *Escape—Lawful Custody or Prison.—Statute:* The Criminal Code, R. S. C. 1906, Part IV., ch. 146, secs. 189, 190. *Offence:* Any person who having been convicted of any offence, escapes from any lawful custody in which he may be under such conviction; or, whether convicted or not, escapes from any prison in which he is lawfully confined on any criminal charge; or, who, being in lawful custody other than as aforesaid on any criminal charge escapes from such custody. *Prosecution:* On indictment. *Penalty:* 2 years.

5. *Escape—Assisting or Permitting Person Sentenced to Death or for Life.—Statute:* The Criminal Code, R. S. C. 1906, Part IV., ch. 146, sec. 191. *Offences:* 1, *Assisting.*—Any person who rescues any person or assists any person in escaping or attempting to escape, from lawful custody whether in prison or not, under sentence of death or imprisonment for life, or after conviction of and before sentence for or while in such custody upon a charge of any crime punishable with death or imprisonment for life; 2, *Permitting.*—Any person, being a peace officer, and having any such person in his custody, or being an officer of any prison in which any such person is lawfully confined, voluntarily and intentionally permits him to escape therefrom. *Prosecution:* On indictment. *Penalty:* 7 years.

6. *Escape—Assisting or Permitting—Other Cases.—Statute:* The Criminal Code, R. S. C. 1906, Part IV., ch. 146, sec. 192. *Offences:* 1, *Assisting.*—Any person who rescues any person, or assists any person in escaping, or attempting to escape from lawful custody, whether in prison or not under a sentence of imprisonment for any term less than life or after conviction of, and before sentence for, or while in such custody upon a charge of

any crime punishable with imprisonment for a term less than life. 2, *Permitting.*—Any person being a peace officer having any such person in his lawful custody, or being an officer of any prison in which such person is lawfully confined, voluntarily and intentionally permits him to escape therefrom. *Prosecution:* On indictment. *Penalty:* 5 years.

7. *Escape—Failing to Perform Legal Duty.—Statute:* The Criminal Code, R. S. C. 1906, Part IV., ch. 146, sec. 193. *Offence:* Any person who, by failing to perform any legal duty, permits a person in his lawful custody on a criminal charge to escape therefrom. *Prosecution:* On indictment. *Penalty:* 1 year.

8. *Escape—Conveying Things into Prison.—Statute:* The Criminal Code, R. S. C. 1906, Part IV., ch. 146, sec. 194. *Offence:* Any person who, with intent to facilitate the escape of any prisoner, lawfully imprisoned, conveys or causes to be conveyed anything into any prison. *Prosecution:* On indictment. *Penalty:* 2 years.

9. *Causing Discharge of Prisoner under Pretended Authority.—Statute:* The Criminal Code, R. S. C. 1906, Part IV., ch. 146, sec. 195. *Offence:* Any person, knowingly and unlawfully, under colour of any pretended authority directing or procuring the discharge of any prisoner not entitled to be so discharged. *Prosecution:* On indictment. *Penalty:* 2 years.

10. *Assisting Girl to Escape from Reformatory.—See* PRISONS AND REFORMATORIES 1.

Exchequer Bills—

1. *Making or Having in Possession Machinery or Material for Making Exchequer Bill Paper.—Statute:* Criminal Code, sec. 471 (*a*). *Offence:* Any person, without lawful authority or excuse, proof whereof shall lie on him, making, begins to make, uses or has in his possession, any machinery or instrument, or material for making exchequer bill paper, revenue paper, or paper intended to resemble the bill of any firm or body corporate, or person, carrying on the business of banking. *Prosecution:* On indictment. *Penalty:* 14 years.

2. *Engraving, Using or Possessing Plate or Material for Exchange Bill or Bank Note.—Statute:* Criminal Code, sec. 471 (*b, c, d*). *Offence:* Any person, without lawful authority or excuse, the proof whereof shall lie on him:—1, Engraves, or makes upon any plate or material anything purporting to be, or apparently intended to resemble, the whole or any part of any

exchequer bill or bank note; or 2, uses any such plate or material for printing any part of any such exchequer bill or bank note; or, 3, knowingly has in his possession any such plate or material as aforesaid. *Prosecution:* On indictment. *Penalty:* 14 years.

3. *Making or Having in Possession Exchequer Bill Paper.—Statute:* Criminal Code, sec. 471 (*e*). *Offence:* Any person without lawful authority or excuse, the proof whereof shall be on him, making, using, or having in his possession any exchequer bill paper, revenue paper, or any paper intended to resemble any bill paper of any firm, body corporate, company or person carrying on the business of banking, or any paper upon which is written or printed the whole or any part of any exchequer bill or any bank note. *Prosecution:* On indictment. *Penalty:* 14 years.

Explosives—

(*a*) CRIMINAL USE.

1. *Causing Bodily Injuries by Explosives.—Statute:* Criminal Code, sec. 279. *Offence:* Any person unlawfully and by the explosion of an explosive substance, burns, maims, disfigures, disables or does any grievous bodily harm to any person. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

2. *Sending, Throwing or Exploding Explosives.—Statute:* Criminal Code, sec. 280 (*a*). *Offence:* Any person with intent to burn, maim, disfigure or disable any person or to do some grievous bodily harm to any person whether any bodily harm is effected or not, causes an explosive substance to explode or sends, or delivers to, or causes to be taken or received by any person any explosive substance or any dangerous or noxious thing or puts or lays at any place, or casts, throws, at or upon, or otherwise applies to any person, any corrosive fluid or any destructive or explosive substance. *Prosecution:* On indictment. *Penalty:* Imprisonment for life.

3. *Throwing Explosives Against Vessel.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 280 (*b*). *Offence:* Any person placing or throwing in, into, upon, against or near any building, ship or vessel an explosive substance, with intent to do any bodily injury to any person, whether or not any explosion takes place and whether or not any bodily injury is effected. *Prosecution:* On indictment. *Penalty:* 14 years.

Explosives (Criminal Use)—

4. *Causing Dangerous Explosion.—Statute:* Criminal Code, R. S. C. 1906, Part II., ch. 146, sec. 111. *Offence:* Any person wilfully causing, by any explosive substance, an explosion of a nature likely to endanger life or to cause serious injury to property whether any injury to person or property is actually caused or not. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

5. *Attempting to Destroy Property with Explosives.—Statutes: Criminal Code,* R. S. C. 1906, Part II., ch. 146, sec. 112. *Offences:* Any person wilfully placing or throwing any explosive substance into or near any building or ship with intent to destroy or damage the same or any machinery, working tools, or chattels, whatever, whether or not an explosion takes place. *Prosecution:* On indictment. *Penalty:* 14 years.

6. *Doing Anything with Intent to Cause an Explosion.—Statute: Criminal Code,* R. S. C. 1906, Part II., ch. 146, sec. 113. *Offence:* Any person, who wilfully:—1, Does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property; 2, makes, or has in his possession or under his control any explosive substance with intent by means thereof to endanger life or to cause serious injury to property or to enable any other person by means thereof to endanger life or to cause serious injury to property. *Prosecution:* On indictment. *Penalty:* 14 years whether an explosion takes place or not, and whether any injury to person or property is actually caused or not.

7. *Making or Possessing Explosives.—Statute:* Criminal Code of Canada, R. S. C. 1906, Part II., ch. 146, sec. 114. *Offence:* Any person who makes, or knowingly has in his possession or under his control, any explosive substance under such circumstances as to give rise to a reasonable suspicion that he is not making it or has it not in his possession or under his control for a lawful object unless he can show that he made it, or had it in his possession or under his control for a lawful object. *Prosecution:* On indictment. *Penalty:* 7 years.

(*b*) MANUFACTURE, TESTING, IMPORTATION AND STORAGE.

8. *Obstructing Officers.—Statute: Explosives Act,* 1914, ch. 31, sec. 19. *Offence:* Any person failing to permit an inspector to enter upon any property, and to inspect, examine or make inquiries in pursuance of his duties; and, every person failing to

comply with any order or direction of any inspector in pursuance of Act or regulations; or, in any manner whatsoever obstructing any inspector in execution of his duties under the *Explosives Act,* 1914. *Prosecution:* On summary conviction. *Penalty:* $500 and costs or 6 months or both. *Special Provisions:* Right of search. Samples. Municipal laws not affected.

9. *Trespassing upon Premises.—Statute: Explosives Act,* 1914, ch. 31, sec. 20. *Offence:* Any person entering without permission or lawful authority, or otherwise trespassing upon any factory or magazine. *Prosecution:* On summary conviction. *Penalties:* $50 and costs, and ejectment, forthwith, by constable or employee. *Special Provisions:* Provincial and municipal law saving clause. Entry and search. Regulations.

10. *Causing Explosion or Fire in Powder Factory.—Statute: Explosives Act,* 1914, ch. 31, sec. 21. *Offence:* Any person committing any act which is likely to cause an explosion or fire in or about any factory or magazine. *Prosecution:* On summary conviction. *Penalty:* $500 and costs or 6 months' imprisonment or both. *Special Provisions:* Right of search. Samples. Municipal law saving clause.

11. *Possession, Sale, Manufacture or Importation of Unauthorized Explosive.—Statute: Explosives Act,* 1914, ch. 31, sec. 22. *Offence:* Any person, by himself or his agent, having in possession, selling, offering for sale or manufacturing or importing any unauthorized explosive within meaning of the *Explosives Act,* 1914. *Prosecution:* On summary conviction. *Penalty:* 1st offence, $200 and costs or 3 months or both; subsequent offence, Max., $500 and costs; Min., $50 and costs, or 6 months or both. *Special Provisions:* Right of search. Samples. Saving clause in favour of municipal laws.

12. *Offences not Otherwise Provided for.—Statute: Explosives Act,* 1914, ch. 31, sec. 23. *Offence:* Person violating any provision of the *Explosives Act,* 1914, for which a penalty has not been provided, or any regulation made thereunder. *Prosecution:* On summary conviction. *Penalty:* 1st offence, $200 and costs; subsequent offences, $500 and costs. *Special Provisions:* Right of search. Samples. Saving clause in favour of municipal laws.

13. *Disclosing Confidential Information.—Statute: Explosives Act,* 1914, ch. 31, sec. 24. *Offence:* Official employed under the *Explosives Act,* 1914, disclosing without departmental authority, any confidential information. *Prosecution:* Summary conviction. *Penalty:* $250 or 3 months and disqualification of

office. *Special Provisions:* Right of search. Samples. Saving clause in favour of municipal laws.

(*c*) MISCELLANEOUS.

14. *Sending Explosives by Government Railway without being Properly Marked as Such.—See* RAILWAYS 10.

15. *Sending Explosives by Ship without being Properly Marked.—See* SHIPPING 148-150.

16. *Selling Ammunition to Indians.—See* INDIANS 29.

17. *Carrying Explosives by Water without Disclosing their Nature.—See* CARRIAGE BY WATER 4.

18. *Using Explosives to Kill Fish.—See* FISH AND FISHING 14.

19. *Sending Explosive Substances by Mail.—See* POST OFFICE 11.

20. *Attempted Murder by Putting Explosives in Building.—See* MURDER 9.

21. *Causing Grievous Bodily Harm by Explosives.—See* BODILY HARM 9.

Extortion—

1. *Accusation of Crime with Intent to Extort.—Statute:* Criminal Code, sec. 453 (*a*). *Offences* 1, Any person who, with intent to extort or gain anything from any person, accuses, or threatens to accuse either that person, or any other person, whether the person accused or threatened with accusation is guilty or not of (i) any offence punishable by law with death or imprisonment for seven years or more, (ii) any assault with intent to commit a rape, or any attempt or endeavour to commit a rape, or any indecent assault, (iii) carnally knowing or attempting to know any child so as to be punishable under the Criminal Code, (iv) any infamous offence, that is to say, buggery, an attempt or assault with intent to commit buggery or any unnatural practice, or incest, (v) counselling or procuring any person to commit any such infamous offence; 2, any person threatening that any person shall be so accused by any other person. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Sending Threatening Letter with Intent to Extort.—See* THREATS.

3. *Extortion by Libel.—See* DEFAMATORY LIBEL 2.

F.

Fabricating Evidence—

1. *Fabricating Evidence.—Statute:* Criminal Code, R. S. C. 1906, Part IV., sec. 177. *Offence:* Any person who, with intent to mislead any court of justice or person holding any such judicial proceeding, fabricates evidence by any means other than perjury or subornation of perjury. *Prosecution:* On indictment. *Penalty:* 7 years.

False Pretences—

1. *Obtaining Anything by False Pretences.—Statute:* Criminal Code, sec. 405. *Offence:* Any person, with intent to defraud, by any false pretence, either directly or indirectly, or through the medium of any contract, obtained by such false pretence, obtaining anything capable of being stolen or procuring anything capable of being stolen, to be delivered to any other person than himself. *Prosecution:* On indictment. *Penalty:* 3 years.

2. *Obtaining Money or Property of a Value not Exceeding $10 by False Pretences.—Statute:* Criminal Code, sec. 773 (*a*). *Offence:* Any person obtaining money or property by false pretences, where the value does not in the judgment of the magistrate exceed $10. *Prosecution:* On summary trial under sec. 773 before two Justices of the Peace, &c. *Penalty:* 6 months.

3. *Obtaining Credit by False Pretence.—Statute:* Criminal Code, sec. 405A. *Offence:* Any person who, in incurring any debt or liability, obtains credit under false pretences, or by means of any fraud. *Prosecution:* On indictment. *Penalty:* 1 year.

4. *Obtaining Execution of Valuable Security by False Pretences and Fraud.—See* FRAUD.

5. *Obtaining Food and Lodging by False Pretences and Fraud.—See* FRAUD.

6. *Falsely Pretending to Enclose Money in Letter.—Statute:* Criminal Code, sec. 407. *Offence:* Any person wrongfully and with wilful falsehood, pretends or alleges that he enclosed and sent, or caused to be enclosed and sent in any post-letter any money, valuable security or chattel which in fact he did not so enclose and send or caused to be enclosed and sent therein. *Prosecution:* On indictment. *Penalty:* 3 years' imprisonment.

7. *Procuring Girl by False Pretences to have Unlawful Carnal Knowledge.—See* PROCURING 6.

8. *Falsely Pretending to own Deposit in Quebec Savings Bank.—See* QUEBEC SAVINGS BANK 2.

9. *Obtaining Entry into or Pay from R. N. W. M. P. by False Pretences.—See* R. N. W. M. P. 6.

10. *Obtaining R. N. W. M. P. Pension by False Pretences.—See* R. N. W. M. P. 7.

11. *Falsely Pretending Articles to have Registered Design upon them.—See* TRADE MARKS 9.

False Statements—

1. *False Statements in Writing as to Financial Condition or Means or Ability to Pay.—Statute:* Criminal Code, sec. 407A. *Offence:* Any person: (*a*) Knowingly making or causing to be made, either directly or indirectly or through any agency whatsoever, any false statement in writing with intent that it shall be relied upon respecting the financial condition or means or ability to pay, of himself, or any other person, firm, or corporation in whom he is interested, or for whom he is acting for the purpose of procuring in any form whatsoever either for the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount or endorsement of a bill of exchange, cheque, draft, or promissory note, either for the benefit of himself or such person from a corporation; (*b*) knowing that a false statement in writing has been made respecting the financial condition, or means or ability to pay of himself or such person, firm, or corporation, any of the benefits mentioned in paragraph (*a*) of section 407A. *Prosecution:* On indictment. *Penalty:* 1 year and $2,000 fine.

2. *False Statement in Prospectus..—Statute:* Criminal Code, sec. 414. *Offence:* Any person who, being a promoter, director, public officer or manager, of any body corporate, or public company, either existing or intended to be formed, makes, circulates, or publishes or concurs in making, circulating or publishing any prospectus, statement or account, which he knows to be false in any material particular with intent to induce persons, whether ascertained or not to become shareholders or partners, or with intent to deceive or defraud the members, shareholders, or creditors, or any of them, whether ascertained or not, of such body corporate, or public company, or with intent to induce any person to entrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof. *Prosecution:* On indictment. *Penalty:* 5 years.

3. *False Statements of Account by Public Officer.—Statute:* Criminal Code, sec. 416. *Offence:* Any person who, being an officer, collector or receiver, entrusted with the receipt, custody or management, of any part of the public revenues, knowingly furnishes any false statement, or return of any sum of money collected by him or entrusted to his care, or of any balance of money in his hands or under his control. *Prosecution:* On indictment. *Penalty:* 5 years and $500 fine.

4. *False Statements Respecting Affairs of a Penny Bank.—See* PENNY BANKS 2.

5. *False Statements in Reports, Accounts, &c., under Quebec Savings Bank Act.—See* QUEBEC SAVINGS BANK 5.

6. *False Statements in Accounts between Principal and Agent.—See* SECRET COMMISSIONS 4.

7. *False Statements by Seamen on being Engaged.—See* SHIPPING 66, 85.

8. *False Statements in Certificates of Inspection of Ship under Part VII., Canada Shipping Act.—See* SHIPPING 139.

9. *False Statements in Trust Company Accounts.—See* TRUST COMPANIES 3, 4.

10. *False Statements in Returns under War Revenue Act, 1915, by Trust or Loan Company.—See* WAR 1, 2.

11. *False Statements in Returns under War Revenue Act, 1915, by Insurance Companies.—See* WAR 5, 6.

12. *False Statements in Returns under Business Profits War Tax Act, 1916.—See* WAR 26.

13. *False Statements in Grain Certificates.—See* GRAIN 4.

14. *False Statements to Induce or Deter Immigration.—See* IMMIGRATION 18.

15. *False Statements in Income Tax Returns.—See* INCOME TAX 2.

16. *False Statements in Obtaining Pedigrees, Registration of Live Stock.—See* LIVE STOCK 5.

17. *False Statements in Loan Companies Reports, &c.—See* LOAN COMPANIES 3.

18. *False Statements in Security given Banks.—See* BANKS 16.

19. *False Statements by Bank Officials in Accounts and Returns.—See* BANKS 30.

20. *False Statements, Intended to Deceive or Mislead, Dealing with Banks and Issued by the Officials of the Bank.—See* BANKS 31.

21. *False Statements in Births, Marriages and Death Registers.—See* BIRTHS, MARRIAGES AND DEATHS 1-6.

22. *False Statements in Books of Joint Stock Companies.—See* COMPANIES 1, 2.

23. *False Statements in Company Prospectus.—See* COMPANIES 3.

24. *False Statements when Entering Goods at Customs.—See* CUSTOMS 63.

25. *False Statements in Connection with Return of Election Expenses.—See* DOMINION ELECTIONS 20.

26. *False Statements as to Withdrawal of Dominion Election Candidate.—See* DOMINION ELECTIONS 32.

27. *False Statements as to Character or Conduct of Dominion Election Candidate.—See* DOMINION ELECTIONS 35.

False Returns—

1. *False Return by Public Officer.—Statute:* Criminal Code, sec. 416. *Offence:* Any person, who, being an officer, collector, or receiver, entrusted with the receipt, custody, or management, of any part of the public revenues, knowingly furnishes any false statement or return of any sum of money collected by him or entrusted to his care, or of any balance of money in his hands or under his control. *Prosecution:* On indictment. *Penalty:* 5 years and $500 fine.

Falsifying Books—

1. *Falsifying Books of Company by Director, Manager or Public Officer of Company.—Statute:* Criminal Code, sec. 413. *Offence:* Any person, who being a director, manager, public officer, or member of any body corporate, or public company, with intent to defraud: — (*a*) Destroys, alters, mutilates, or falsifies, any book, paper, writing, or valuable security belonging to the body corporate or public company; or (*b*) makes, or concurs in making any false entry, or omits or concurs in omitting to enter any material particular, in any book of account or other document. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Falsifying Books of Employer by Officer, Clerk or Servant. —Statute:* Criminal Code, sec. 415. *Offence:* Any person, being or acting in the capacity of any officer, clerk, or servant with intent to defraud, (*a*) destroys, alters, mutilates, or falsifies any book, paper, writings, valuable security or document, which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or concurs in

the same being done; or (*b*) makes or concurs in making any false entry in, or omits or alters, or concurs in omitting or altering, any material particular, from or in any such book, paper, writing, valuable security or document. *Prosecution:* On indictment. *Penalty:* 7 years.

3. *Falsifying Books to Defraud Creditors.—Statute:* Criminal Code, sec. 418. *Offence:* Any person who, with intent to defraud his creditors or any of them, destroys, alters, mutilates, or falsifies, any of his books, papers, writings or securities, or makes or is privy to the making of, any false or fraudulent entry in any book of account or other document. *Prosecution:* On indictment. *Penalty:* 10 years.

4. *Falsifying Pedigree upon which Title to Land Depends.—See* TITLE DEEDS.

5. *Falsifying Entries in Register of Births, Marriages and Deaths.—See* BIRTHS, MARRIAGES AND DEATHS.

6. *Falsifying Books of Account Kept by Government.—Statute:* Criminal Code, sec. 484 (*a*). *Offence:* Any person who, with intent to defraud, makes any untrue entry or any alteration in any book of account kept by the Government of Canada or of any Province of Canada, or by any bank for any such Government, in which books are kept, the accounts of the owners of any stock, annuity or other public fund transferable for the time being in any such books, or who, in any manner, wilfully falsifies any of the said books. *Prosecution:* On indictment. *Penalty:* 14 years.

7. *Falsifying Quebec Savings Bank Books.—See* QUEBEC SAVINGS BANK 1.

8. *Falsifying Books of Joint Stock Companies.—See* COMPANIES 2.

9. *Falsifying Books on Winding-up Dominion Company.—See* WINDING UP 1.

10. *Falsifying Government Stock and Bond Books.—See* GOVERNMENT STOCKS AND BONDS 1, 2, 3.

11. *Falsifying Insurance Companies' Books.—See* INSURANCE 11.

12. *Falsifying Loan Companies' Books.—See* LOAN COMPANIES 2.

Fences—

1. *Injuring Fences or Gates.—Statute:* Criminal Code, sec. 530. *Offence:* Any person wilfully destroying or damaging any fence, or any wall, stile, or gate or any part thereof respectively

or any post or stake planted or set up on any land, marsh, swamp, or land covered by water, on or as the boundary or part of the boundary line thereof, or in lieu of a fence thereto. *Prosecution:* On summary conviction. *Penalty:* 1st offence, fine not exceeding $20 over and above the amount of injury done; 2nd offence, 3 months with hard labour.

2. *Theft of Fences, Stiles, or Gates.—See* THEFT 30.

Ferries—

1. *Interfering with Ferry Rights.—Statute: Ferries Act,* R. S. C. 1906, ch. 108, sec. 10. *Offence:* Interfering with rights of licensed ferryman by conveying passengers or goods, for hire or profit, within limits of ferry licensed by Dominion Government. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $20. *Special Provisions:* One moiety belongs to informant; the other moiety to Dominion Government.

2. *Detaining Mail at Ferry.—See* POST OFFICE 17.

Fertilizers—

1. *Violating Fertilizers' Act,* 1909.—*Statute: Fertilizers' Act,* 1909, ch. 16, sec. 15, as amended 1919, ch. 20, sec. 3 (in force 1920). *Offence:* Manufacturer or agent and every purchaser within the meaning of section 14, who violates any provision of the *Fertilizers' Act,* 1909, or any regulation made thereunder is guilty of an offence (sec. 15). *Prosecution:* On summary conviction. *Penalty:* Not exceeding $50 for first offence, and for each subsequent offence to a penalty not exceeding $100, and in default of payment 30 days' imprisonment (sec. 15). *Special Provisions:* A deficiency of one-half of one per cent. of the nitrogen, or of the phosphoric acid, or of the potash, stated to be contained in the fertilizer is not to be considered as evidence of fraudulent intent if the total value of the fertilizer in fertilizing materials is substantially equivalent to the guaranteed analysis made by the manufacturer or agent (sec. 15).

[NOTE.—*This increase in penalties comes into force on 1st January, 1920*].

Fires—

1. *Arson and Attempt.—See* ARSON.

2. *Wilfully Setting Fire to Certain Things, not Amounting to Arson.—Statute:* Criminal Code, sec. 513. *Offence:* Any person wilfully setting fire to:—(*a*) Any crop, whether standing or cut down, or any wood, forest, coppice, or plantation, or any

heath, gorse, furse or fern; or, (*b*) any tree, lumber, timber, logs, or floats, boom, dam, or slide, and thereby injures or destroys the same. *Prosecution:* On indictment. *Penalty:* 14 years for full offence; 7 years for an attempt.

3. *Recklessly Setting Fire to Forests.—Statute:* Criminal Code, sec. 515. *Offence:* Any person (by such negligence as shows him to be reckless or wantonly regardless of consequences or in violation of a provincial or municipal law of the locality) setting fire to any forest, tree, manufactured lumber, square timber, logs, or floats, boom, dam or slide on the Crown domain, or on land leased or lawfully held for the purpose of cutting timber, or on private property on any creek or river or rollway, beach or wharf, so that the same is injured or destroyed. *Prosecution:* On indictment or summarily. *Penalty:* On indictment, 2 years; on summary conviction, fine not exceeding $50 and in default of payment 6 months' imprisonment with or without hard labour.

4. *Threats to Burn.—See* THREATS.

5. *Damaging Fire-alarm Apparatus.—Statute:* Criminal Code, sec 521 (1). *Offence:* Any person wilfully:—1, Destroying, removing or damaging anything which forms part of or is used or employed in or about any fire-alarm or in the working thereof; 2, preventing or obstructing the sending, conveyance or delivery of any communication by any such fire alarm. *Prosecution:* On indictment. *Penalty:* 2 years.

6. *Attempt to Damage Fire-alarm Apparatus or Attempt to Prevent Communication Therewith.—Statute:* Criminal Code, sec. 521 (2). *Offence:* Any person, wilfully, by any overt act, attempting to commit any offence under section 521 (1). *Prosecution:* On summary conviction. *Penalty:* $50 or 3 months with or without hard labour.

7. *Neglecting to Comply with the Requirements of the Shipping Act for Preventing Fires on Ships.—See* SHIPPING 128.

8. *Negligence Causing Fire which Results in Loss of Life or Property.—Statute:* Criminal Code, sec. 515(1*a*). *Offence:* Any person negligently causing any fire which occasions loss of life or loss of property. *Prosecution:* On indictment. *Penalty:* 2 years' imprisonment. *Special Provisions:* Evidence of neglect (sec. 515 (1*a*). (1919, ch. 15, sec. 1).

9. *Refusing to make Alterations, Remove Materials or Supply Fire Apparatus when Ordered by Proper Authorities.—Statute:* Criminal Code, sec. 515A. *Offence:* Owner, lessee or other

person refusing, neglecting or otherwise failing to carry out recommendation of Dominion, Provincial or Municipal fire officer or authority, with a view to safeguarding life or property from destruction by fire, after notice (30 days) *and approval by officer in the service of His Majesty thereunto authorized by the Governor-in-Council. Prosecution:* On indictment. *Penalty:* $1,000 or 6 months' imprisonment or both. (1919, ch. 15, sec. 2.)

Fish and Fisheries—

(*a*) Fish Inspection.

1. *Fraudulent Use of Official Brand.—Statute:* The *Fish Inspection Act,* 1914, ch. 45, sec. 16. *Offences:* 1, Any person, without authority of inspecting officer, burning, branding or otherwise marking or causing to be burnt, branded or otherwise marked, on any barrel, half-barrel or other package of fish any mark or marks which by virtue of the *Fish Inspection Act,* 1914, or the regulations made under it, are required to be burnt, branded or otherwise marked on any barrel, half-barrel, or other package of fish, or any mark so nearly resembling the mark prescribed by the *Fish Inspection Act,* 1914, or the regulations as to be calculated to deceive; *or,* 2, without lawful authority having in possession any instrument such as is used for branding, burning, or otherwise marking on any barrel, half-barrel, or other package of fish in accordance with the provisions of the *Fish Inspection Act,* 1914, and regulations. *Prosecution:* Summary conviction under Part XV. Criminal Code. *Penalty:* Min., $20 and costs and 1 month in default, or both. Max., $500 and costs or 6 months or both. *Special Provisions:* Arrest without warrant. Search. Venue. Forfeiture. Regulations.

2. *Falsifying Official Documents.—Statute: Fish Inspection Act,* 1914, sec. 17. *Offence:* Any person altering, destroying, erasing, or falsifying any declaration or other document prescribed for use under the provisions of the *Fish Inspection Act,* 1914, or under the regulations. *Prosecution:* Summary conviction under Part XV. Criminal Code. *Penalty:* Min., $20 and costs, and in default 2 months' imprisonment, or both. Max., $500 or 6 months, or both. *Special Provisions:* Arrest without warrant. Search. Venue. Forfeiture. Regulations.

3. *Re-using Branded Barrels without Obliterating Brand.—Statute: Fish Inspection Act,* 1914, sec. 18. *Offence:* 1, Any person emptying, or partially emptying, or causing to be emptied

or partially emptied, any barrel, half-barrel, or other package of fish which has been inspected and branded, in order to put into such barrel, half-barrel or other package, any fish of the same kind or of any other kind, not contained therein at the time of inspection; or, 2, using any barrel, half-barrel, or other package which has previous to such use been inspected and branded without completely obliterating the brand or marks. *Prosecution:* On summary conviction under Part XV. Criminal Code. *Penalty:* Min., $100 and costs, imprisonment in default 3 months. Max., or both. *Special Provisions:* Arrest without warrant. Search. Venue. Forfeiture. Regulations.

4. *Offences not Otherwise Provided for.—Statute: Fish Inspection Act,* ch. 45, sec. 28. *Offence:* Any person, except as otherwise provided in Act, violating any provisions of the *Fish Inspection Act,* 1914, or any regulation made under it. *Prosecution:* On summary conviction, Part XV. Criminal Code. *Penalties:* $500 and costs and in default 6 months' imprisonment or both. *Special Provisions::* Arrest without warrant. Search. Venue. Forfeiture. Regulations.

(*b*) Regulation of Fisheries.

5. *Obstructing Fishery Officers.—Statute: Fisheries Act,* 1914, ch. 8, sec. 50. *Offence:* Person resisting or wilfully obstructing any fishery officer or fishery guardian in the execution of his duty, or any person acting in aid of such officer or guardian. *Prosecution:* Indictable on summary conviction. *Penalty:* On indictment, 2 years; on summary conviction 6 months hard labour or $100.

6. *Whaling without License.—Statute: Fisheries Act,* 1914, ch. 8, sec. 64. *Offence:* Person, except under license of Minister of Marine and Fisheries, engaging in the manufacture from whales of oil or other commercial product, or employs any vessel or boat in the whale fishery. *Penalty:* Max., $1,000 and costs. Min., $300 and costs. *Prosecution:* Summary conviction, Part XV. Criminal Code before one Justice of the Peace, Stipendiary Magistrate or Fishery Officer, who is ex-officio Justice of the Peace. *Special Provisions:* Limitation of Action, 2 years. Appeal under Part XV. Criminal Code allowed. Distress for penalties.

7. *Possessing Unlabelled Cases of Lobsters. — Statute: Fisheries Act,* 1914, ch. 8, sec. 66. *Offence:* Person or persons owning or possessing any case or package containing lobsters

imported into Canada without being labelled, stamped or branded, prescribed under the *Fisheries Act*, 1914. *Prosecution:* Summary conviction. *Court:* One Justice of the Peace, Stipendiary Magistrate, Ex-officio Justice of the Peace, Fishery Officer. *Penalty:* $40 and costs. *Special Provisions:* Distress. Limitation of Action, 2 years. Appeal.

8. *Failing to make Lobster Returns to Minister.—Statute: Fisheries Act*, 1914, ch. 8, sec. 67. *Offence:* Owner or manager of a lobster factory or canning establishment neglecting on the date fixed by the Minister for that purpose, to send to the Inspector of Fisheries for the district, statements under oath on forms prescribed respecting lobster fishery. *Prosecution:* Summary conviction. Court, one Justice of the Peace, Stipendiary Magistrate, Ex-officio Justice of the Peace, Fishery Officer. *Penalty:* Min., $100 and costs. Max., $400 and costs. *Special Provisions:* Limitation of Action, 2 years. Appeal.

9. *Refusing to Produce Lobster License.—Statute: Fisheries Act*, 1914, sec. 68. *Offence:* Manager or proprietor of a lobster factory or canning establishment refusing on demand to produce his license to any fishery officer or to any person designated by the Minister. *Prosecution:* Summary conviction. *Court:* One Justice of the Peace, Stipendiary Magistrate or Ex-officio Justice of the Peace, Fishery Officer. *Penalty:* Min., $50 and costs. Max., $100 and costs. *Special Provision:* Distress. Limitation of Action, 2 years. Appeal.

10. *Neglecting to Keep Lobster Eggs.—Statute: Fisheries Act*, 1914, sec. 69. *Offence:* Manager or owner of a lobster factory or canning establishment, on request of person authorized by Minister to hatch lobsters, neglecting or refusing to take from and keep, as far as possible with due care, and in manner prescribed by Minister, all eggs attached to lobsters brought to the factory or canning establishment; *or*, neglecting to deliver such eggs to person authorized by Minister to receive them. *Prosecution:* Summary conviction. Court, one Justice of the Peace, Stipendiary Magistrate, or Ex-officio Justice of the Peace, Fisheries Officer. *Penalty:* Min., $10 and costs. Max., $50 and costs for each neglect or refusal. *Special Provision:* Limitation of Action, 2 years. Appeal.

11. *Falsely Labelling Cases of Lobsters.—Statute: Fisheries Act*, 1914, sec. 70. *Offence:* Person counterfeiting, or altering any label, stamp or brand prescribed by the Minister to be labelled, stamped or branded on any case or package containing

lobsters canned or cured in Canada; *or*, with fraudulent intent, labelling, stamping, or branding any such case with any label, stamp or brand so prescribed by Minister, or so closely resembling such label, stamp or brand as to be calculated to deceive. *Prosecution:* Summary conviction. *Court:* One Justice of the Peace, Stipendiary Magistrate, Ex-officio Justice of the Peace, Fishery Officer. *Penalty:* Min., $200 and costs or 6 months or both. Max., $500 and costs or 12 months, or both. *Special Provisions:* Distress for costs. Limitation of Action, 2 years. Appeal from conviction.

12. *Neglecting to Provide Fish-ways.—Statute: Fisheries Act,* 1914, ch. 8, sec. 71. *Offence:* Owner or occupier of a slide, dam, or other obstruction across or in any stream where the Minister determines it to be necessary for the public interest that a canal around a dam or a fish-pass therein should exist, neglecting or refusing after 3 days' notice in writing to provide a durable and efficient fish-way, or canal; *or*, neglecting or refusing to maintain the same in a good and effective condition in such place and of such form and capacity as will admit of the passage of fish. *Prosecution:* On summary conviction. *Court:* One Justice of the Peace, Stipendiary Magistrate, Ex-officio Justice of the Peace, Fishery Officer. *Penalty:* Min., $4. Max., $20 for each day during neglect. *Special Provisions:* Distress for costs. Limitation of Action, 2 years. Appeal.

13. *Fishing within Limits Leased to Another.—Statute: Fisheries Act,* 1914, ch. 8, sec. 72. *Offence:* Any person fishing for, taking, catching or killing fish (except for bait) in any water, or along any beach, or within any fishing limits described in any lease or license, or places, draws; *or*, setting therein any fishing gear or apparatus, except by permission of the occupant under such lease or license for the time being; *or* disturbing or injuring any fishery. *Prosecution:* On summary conviction. *Court:* One Justice of the Peace, Stipendiary Magistrate, or Ex-officio Justice of the Peace, Fishery Officer. *Penalty:* Min., $100 and costs. Max., $200 or two months' imprisonment. Forfeiture of fish, fishery apparatus and nets. *Special Provisions:* Distress allowed for costs. Limitation of Action, 2 years. Appeal from conviction.

14. *Using Explosives to Kill Fish.—Statute: Fisheries Act,* 1914, ch. 8, sec. 73. *Offence:* Any person hunting or killing fish or marine animals of any kind, other than porpoises, whales or walruses by means of rockets, explosive materials, or explosive

projectiles or shells. *Prosecution:* On summary conviction. *Court:* One Justice of the Peace, Stipendiary Magistrate, or Ex-officio Justice of the Peace, Fishery Officer. *Penalty:* Min., $100 and costs or 3 months or both. Max., $500 and costs or 6 months or both. *Special Provisions:* Distress for costs. Limitation of Action, 2 years. Appeal.

15. *Neglecting to Provide Fish-guards in Western Canada.—Statute: Fisheries Act,* 1914, ch. 8, sec. 74. *Offence:* Owner of ditch, channel or canal constructed or adapted for conducting water from any lake, river, or stream, in British Columbia, Manitoba, Saskatchewan, Alberta, N. W. T. and Yukon Territory, for irrigating, manufacturing, domestic or other purposes: (*a*) Neglecting to provide and maintain at entrance or intake a fish-guard or a metal or wire grating, covering or netting with meshes not more than ⅜ inch diameter approved by Minister or officer appointed by him, and so fixed as to prevent passage of fish; *or,* (*b*) permitting removal of fish-guard, grating or netting, except for renewal or repair; *or,* (*c*) neglecting to close sluice or gate at intake or entrance during time renewal or repair is being effected. *Prosecution:* On summary conviction. *Court:* One Justice of the Peace, Stipendiary Magistrate, Ex-officio Justice of the Peace, Fishery Officer. *Penalty:* Min., $4. Max., $20 each day or part of day during neglect. *Special Provisions:* Notice (3 days) must be given by fishery officer or Minister to comply with Act. Distress allowed for costs. Limitation of Action, 2 years. Appeal from conviction.

16. *Throwing Overboard Prohibited Substances.—Statute: Fisheries Act,* 1914, ch. 8, sec. 75. *Offence:* Any person throwing overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour, or roadstead, or any water where fishing is carried on; *or,* throwing overboard or letting fall upon any fish bank or ground, or leaving or depositing or causing to be left, thrown or deposited upon the shore, beach or bank of any water, or upon the beach between high and low water mark, inside of any tidal estuary, or within two hundred yards of the mouth of any salmon river, remains or offal of fish or of marine animals; *or,* leaving decayed or decaying fish in any net or other fishing apparatus. *Prosecution:* On summary conviction. *Court:* One Justice of the Peace, Stipendiary Magistrate, or Ex-officio Justice of the Peace, Fishery Officer. *Penalty:* Min., $20 and costs. Max., $100 and costs or to imprisonment not exceeding 2 months. *Special*

Provisions: Master or owner of vessel from which substance is thrown are liable to penalties and to imprisonment for offences under this section. Distress for costs. Appeal from conviction. Limitation of Action, 2 years.

17. *Depositing Lime in Water Frequented by Fish.—Statute: Fisheries Act,* 1914, ch. 8, sec. 76. *Offence:* Any person causing or knowingly permitting to pass into, or putting or knowingly permitting to be put, lime, chemical substances, or drugs, poisonous matter, dead or decaying fish or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing where the same is of the like character to the substances above named or not, in any water frequented by fish. *Prosecution:* On summary conviction. *Court:* One Justice of the Peace, Stipendiary Magistrate, Ex-officio Justice of the Peace, Fishery Officer. *Penalties:* 1st offence, $20 and costs; 2nd offence, min., $40 and costs; max., $80 and costs, and an additional penalty of not less than $10 nor more than $20 a day during which offence is continued; 3rd and subsequent offences, min., $100 and costs. Max., $200 and costs, and additional penalty of $20 a day during continuance. *Special Provisions:* Distress for costs. Appeal from conviction. Limitation of Action, 2 years.

18. *Injuring or Fishing in Place Leased for Propagation of Fish.—Statute: Fisheries Act,* 1914, ch. 8, sec. 77. *Offence:* Any person wilfully destroying or injuring any place set apart under the authority of the Minister for the propagation of fish; *or,* person fishing in any such place without written permission of fishery officer; *or,* using therein any fish, light or other implement for fishing during the period for which such waters are so set apart. *Prosecution:* On summary conviction. *Court:* one Justice of the Peace, Stipendiary Magistrate, or Ex-officio Justice of the Peace, Fishery Officer. *Penalty:* Min., $50 and costs. Max., $200 and costs. Imprisonment in default of penalties. Min., 6 months. Max., 12 months, or both. *Special Provisions:* Distress for costs. Appeal from conviction. Limitation of Action, 2 years.

19. *Taking Oysters from or Injuring Bed Set Apart by Minister.—Statute: Fisheries Act,* 1914, ch. 8, sec. 78. *Offence:* Any person taking oysters from any oyster bed set apart by the Minister for any purpose under the *Fisheries Act; or,* in any way injuring or disturbing any such oyster bed except during the times and on the terms permitted by regulation under the

Act. *Prosecution:* On summary conviction. *Court:* One Justice of the Peace, Stipendiary Magistrate, or Ex-officio Justice of the Peace, Fishery Officer. *Penalties:* Min., $40 and costs. Max., $100 and costs. Imprisonment in default of payment. Min., 2 months. Max., 4 months. Forfeiture of vessel and apparatus. *Special Provisions:* Distress for costs. Appeal from conviction. Limitation of Action, 2 years.

20. *Not Providing Compasses for Deep Sea Fishing Boats. —Statute: Fisheries Act,* 1914, ch. 8, sec. 79 (1). *Offence:* Owner of vessel not providing deep sea fishing boats with a mariner's compass, two quarts of drinking water, two pounds of solid food for each member of crew; *or,* failing to supply additional compasses, utensils for holding water, and also fog-horn or trumpet, at commencement of voyage. *Prosecution:* On summary conviction. *Court:* One Justice of the Peace, Stipendiary Magistrate, or Ex-officio Justice of the Peace, Fishery Officer. *Penalty:* Against owner, min., $200 and costs. Max., $500 and costs or imprisonment. Min., 6 months. Max., 12 months, or both. Against Master, min., $100 and costs. Max., $250 and costs, or 6 months or both. *Special Provisions:* Distress for costs. Limitation of Action, 2 years. Appeal from conviction.

21. *Fishing Vessel Going to Sea without Certificate of Equipment.—Statute: Fisheries Act,* 1914, ch. 8, sec. 79 (3). *Offence:* Owner and master of vessel engaged in deep sea or bank fishing permitting vessel to go to sea without first obtaining and exhibiting to the collector or other proper officer of customs a certificate from a fishery officer or other person authorized by the Minister to grant such certificates, that vessel is properly equipped with mariner's compass, suitable utensils for holding water for each boat carried and with serviceable fog-horn or trumpet. *Prosecution:* On summary conviction. *Court:* One Justice of the Peace, Stipendiary Magistrate, or Ex-officio Justice of the Peace, Fishery Officer. *Penalties:* Owner and master each liable to penalty. Min., $100 and costs. Max., $200 and costs or 6 months' imprisonment. *Special Provisions:* Distress for costs. Appeal from conviction. Limitation of Action, 2 years.

22. *Offences not Otherwise Specially Provided for.—Statute: Fisheries Act,* 1914, ch. 8, sec. 82. *Offence:* Any person violating any provision of the Fisheries Act, 1914, or any regulation made thereunder. *Prosecution:* Summary conviction. *Court:*

One Justice of the Peace, Stipendiary Magistrate, or Ex-officio Justice of the Peace, Fishery Officer. *Penalties:* $1,000 and costs, imprisonment in default of payment, imprisonment not exceeding 12 months or to both. *Special Provisions:* Distress for costs. Appeal. Limitation of Action, 2 years.

23. *Fishery Officers Violating Act.—Statute: Fisheries Act,* 1914, ch. 8, sec. 84. *Offence:* Fishery officer or fishery guardian violating the *Fisheries Act,* 1914, or any regulation made thereunder; *or,* aiding, abetting or conniving at any violation of the *Fisheries Act* or of any regulation made thereunder. *Prosecution:* On summary conviction. *Court:* Recorder, Commissioner of Police, Judge or Sessions of Peace, Police, Stipendiary or District Magistrate, or two Justices of the Peace. *Penalty:* Max., $500 and costs or 6 months. Min., $100 and costs or 3 months. *Special Provisions:* Distress for costs. Appeal from conviction. Limitation of Action, 2 years.

24. *Violating International Fishery Regulations.—Statute: Fisheries Act,* 1914, ch. 8, sec. 88 (2). *Offence:* Violating regulations to secure enforcement of international fishery regulations. *Penalties:* $1,000 and costs, or 6 months, or, in case of continuous offence, $20 and costs per day during continuance.

(*b*) Regulation of Fisheries.

25. *Fishery Regulations.—Statute: Fisheries Act,* 1914, ch. 8, sec. 45. Regulations can be made under the authority of section 45 of the *Fisheries Act,* 1914, respecting fisheries and fishing, and every offence against any such regulation can be made a violation of the Act.

(*c*) Customs and Fisheries Protection.

26. *Refusing to Answer Questions Regarding Cargo or Voyage.—Statute:* The *Customs and Fisheries Protection Act,* R. S. C. 1906, ch. 47, sec. 9. *Offence:* Master or person in command of ship not answering truly all questions put to him upon an examination on oath by an officer or person acting under the authority of the *Customs Fisheries Act,* respecting the cargo and voyage of any such ship, vessel or boat. *Procedure:* None specially mentioned. *Court:* Exchequer Court of Canada, Admiralty Side, or in any Superior Court in the province within which the prosecution arose (sec. 18). *Penalty:* Fine $400. *Special Provisions: Burden of proof.* The burden of proving

the illegality of any seizure made for any alleged violation of any of the provisions of the Act; or, that the officer or person seizing was not authorized by the Act to seize, lies upon the owner or claimant (sec. 21). *Limitation of Action:* All actions for the recovery or enforcement of penalties or forfeitures imposed by the Act are to be commenced within three years after offence is committed (sec. 28). *Stay of Proceedings:* The Governor-in-Council can, in case of a seizure, direct a stay of proceedings (sec. 30).

27. *Refusing to bring Vessel to when Required.—Statute: Customs and Fisheries Protection Act,* R. S. C. 1906, ch. 47, sec. 11. *Offence:* Master or officer in charge of any ship not bringing to *any ship, vessel or boat liable to seizure or examination* when required so to do in the King's name by *any officer of the Customs or of the Fisheries Protection Service or person employed as such or any stipendiary magistrate on board of any cruiser or vessel belonging to or in the service of the Government of Canada protecting customs or fisheries; or,* upon signal made by hoisting pennant and ensign appointed for the purpose. *Procedure:* None specially mentioned. *Court:* Exchequer Court, Admiralty side, or Superior Court of province where cause of prosecution arose (sec. 18). *Penalty:* Fine of $400 (sec. 11). The vessel may be seized and detained until penalty is paid (sec. 11 (2)).

28. *Resisting Officer in Execution of his Duty.—Statute:* The *Customs and Fisheries Protection Act,* R. S. C. 1906, ch. 47, sec. 13. *Offence:* Opposing, or aiding or abetting the opposing of *any officer or person* in the execution of his duty under the *Customs and Fisheries Protection Act. Procedure:* On indictment (sec. 13). *Court:* Any Court of competent jurisdiction being the Exchequer Court of Canada, Admiralty side, or a Superior Court of the province in which the cause of prosecution arose (sec. 18). *Penalty:* Fine of $800 and two years' imprisonment (sec. 18).

(*d*) MISCELLANEOUS.

29. *Fishing on Indian Reserve without Permission.—See* INDIANS 6.

Fixtures—

1. *Theft by Tenants and Lodgers.—See* THEFT 13, 25.
2. *Theft by any Person.—See* THEFT 25.

Flour and Meal—

1. *Inspection and Sale.—See* INSPECTION AND SALE 9-17.
2. *Labelling.—See* INSPECTION AND SALE 11, 12, 16.
3. *Weighing.—See* INSPECTION AND SALE 10, 13, 15.
4. *Branding.—See* INSPECTION AND SALE 11-16.
5. *Selling Flour in Bags not Properly Marked.—See* INSPECTION AND SALE 16.
6. *Adding Foreign Matter to Flour or Meal.—See* INSPECTION AND SALE 17.

Food and Drugs—

1. *Adulteration.—See* ADULTERATION 1.
2. *Selling Food Unfit for Human Consumption.*—See NUISANCES 2.
3. *Selling Adulterated Food or Drug.—See* ADULTERATION 2.
4. *Adulterating Liquor.—See* ADULTERATION 3.
5. *Neglecting to Label Food or Drug as Required by the Adulteration Act.—See* ADULTERATION 4.
6. *Falsely Marking Food or Drug "Pure" or "Genuine."—See* ADULTERATION 5.
7. *Selling Adulterated Vinegar or Paris Green. — See* ADULTERATION 6.
8. *Selling Diseased Meat for Canning Purposes.—See* CANNED FOODS 1.
9. *Inspection and Manufacture of Canned Foods.—See* CANNED FOODS 1-6.
10. *Marketing Diseased Animals.—See* CONTAGIOUS DISEASES 3.
11. *Selling Diseased Animals.—See* CONTAGIOUS DISEASES 4.

Forcible Entry—

1. *Forcible Entry and Detainer.—Statute:* Criminal Code, R.S.C. 1906, ch. 146, Part II., sec. 103. *Offence:* Any person who forcibly enters or forcibly detains land. *Prosecution:* On indictment. *Penalty:* 1 year.

Forests and Parks—

1. *Forest Regulations.—Statute: Dominion Forest Reserves and Parks Act,* 1911, ch. 10, sec. 20. *Offence:* Person violating any provision of *Dominion Forest Reserves and Parks Act,* 1911, or any regulation made thereunder. *Prosecution:* Summary

conviction. *Penalty:* $100 and costs. Imprisonment in default of payment, 6 months with or without hard labour.

2. *Park Regulation.—See* PARKS.

Forgery—

1. *Forgery — Public and Private Documents.—Statute:* Criminal Code, sec. 468. *Offence:* Any person forging:—Any public seal, signature of governor, documents of title, entry in register, registration document, documentary evidence of registration, document affecting title, notarial act, register of births, deaths, &c., copy of register, will or probate, transfer of government stock, transfer of company stock, transfer of grant as scrip, special power of attorney, entry evidence of stock, exchequer bill, bank note, scrip, evidence of title to government debt, documentary security for money, receipt for money or goods, shipping document, warehouse receipt, document used as evidence of right to goods. *Prosecution:* On indictment. *Penalty:* Life imprisonment if the document forged purports to be, or was intended by the offender to be understood to be, or to be used as genuine.

2. *Forgery—Registration Books.—Statute:* Criminal Code, sec. 469. *Offence: Any person forging:*—(*a*) Property registration or (*b*) public register not referred to in section 468. *Prosecution:* On indictment. *Penalty:* 14 years, if the document purports to be or was intended by the offender to be understood to be, or to be used as genuine.

3. *Forgery—Public Records.—Statute:* Criminal Code, sec. 470. *Offence:* Any person forging:—Any record of Court of Justice, documentary evidence, document issued by Court, magisterial process, entry in Court register, letters patent, marriage license, contract, power of attorney, order for money or goods, receipt or discharge, documentary evidence, railway ticket, certain other documents. *Prosecution:* On indictment. *Penalty:* 7 years if the document forged purports to be, or was intended by the offender to be understood to be, or to be used as genuine.

4. *Obtaining Anything by Forged Instrument or by Probate or Forged Will.—Statute:* Criminal Code, sec. 478. *Offence:* Any person:—1, Demanding, receiving, or obtaining anything or causes to procure anything to be delivered or paid to any person, under, upon or by virtue of any forged instrument knowing the same to be forged, or under, upon, or by virtue of any probate, or letters of administration, knowing the will, codicil,

or testamentary writing on which such probate or letters of administration were obtained, to be forged, or knowing the probate or letters of administration to have been obtained by any false oath, affirmation or affidavit; *or*, 2, attempts to do any such thing. *Prosecution:* On indictment. *Penalty:* 14 years.

5. *Forging Trade Marks.—Statute:* Criminal Code, sec. 488. *Offence:* Any person, with intent to defraud, forging any trade mark. *Prosecution:* On indictment. *Penalty:* 2 years under section 491 (*a*) or fine, or both fine and imprisonment under said section.

6. *Forging Certificates or Labels on Patent Medicines.—See* PATENT MEDICINES 2.

7. *Forging Pawnbrokers' Notes.—See* PAWNBROKERS 2.

8. *Forging Post Office Stamps.—See* POST OFFICE 4.

9. *Using Forged Post Office Stamps.—See* POST OFFICE 5.

10. *Forging Franking Signature on Letters.—See* POST OFFICE 8.

11. *Forging Money Orders.—See* POST OFFICE 9.

12. *Forging Master or Mate's Certificate.—See* SHIPPING 20.

13. *Trade Marks.—See* TRADE MARKS 1.

14. *Water Meter Stamps and Seals.—See* WATER METERS 1, 2, 7.

15. *Weights and Measures.—See* WEIGHTS AND MEASURES 9.

16. *Gas Meter Stamps.—See* GAS AND METER INSPECTION 1.

17. *Government Stocks and Bonds.—See* GOVERNMENT STOCKS AND BONDS 4.

18. *Revenue Stamps on Packages of Tobacco and Cigars.—See* INLAND REVENUE 45.

19. *Commercial Feeding Stuffs Registration Certificates.—See* LIVE STOCK 2.

20. *Governor-General's Signature on Militia Commissions.—See* MILITARY 11.

21. *Agricultural Fertilizer Certificates. — See* AGRICULTURE 2.

22. *Bank Notes.—See* BANK NOTES 1, 2.

23. *Customs Documents.—See* CUSTOMS 64.

24. *Dominion Election Ballot Papers.—See* DOMINION ELECTIONS 10.

25. *Electric Meter Stamps.—See* ELECTRICITY 3, 4.

26. *Exchequer Bills.—See* EXCHEQUER BILLS 1-3.

Fortune Telling—

1. *Telling Fortunes.—Statute:* Criminal Code, sec. 443. *Offence:* Any person pretending to exercise or use any kind of

witchcraft, sorcery, enchantment or conjuration, or undertakes to tell fortunes, or pretends from his skill or knowledge in any occult or crafty science, to discover where or in what manner any goods or chattels supposed to have been stolen or lost may be found. *Prosecution:* On indictment. *Penalty:* 1 year.

Fraud—

1. *Fraudulently Disposing of Things Entrusted for Manufacture.—Statute:* Criminal Code, sec. 389. *Offence:* Any person who (though not guilty of theft under section 388 of the Criminal Code) when entrusted with for purpose of manufacture or for a special purpose connected with manufacture, or employed to make, any felt or hat, or to prepare or work up any woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, or silk, or any such materials mixed with one another or having been so entrusted as aforesaid with any other article, materials, fabric, or thing, or with any tools or apparatus, for manufacturing the same, fraudulently disposes of the same or any part thereof. *Prosecution:* On indictment. *Penalty:* 2 years.

2. *Fraudulently Taking Stray Cattle.—Statute:* Criminal Code, sec. 392 (*a*). *Offence:* Any person without the consent of the owner thereof, fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases, or sells, or fraudulently causes or procures or assists in the taking possession, concealing, appropriating, purchasing or selling of any cattle which are found astray. *Prosecution:* On indictment. *Penalty:* 3 years.

3. *Fraudulently Refusing to Deliver up Stray Cattle.—Statute:* Criminal Code, sec. 392 (*b*). *Offence:* Any person fraudulently refusing to deliver up any cattle found astray, to the proper owner thereof, or to the person in charge thereof on behalf of such owner, or authorized by such owner to receive such cattle. *Prosecution:* On indictment. *Penalty:* 3 years.

4. *Fraudulently Defacing Brand on any Cattle.—Statute:* Criminal Code, sec. 392 (*c*). *Offence:* Any person, without the consent of the owner, fraudulently, wholly or partially obliterates, or alters, or defaces, or causes or procures to be obliterated, altered or defaced, any brand or mark on any cattle or makes or causes or procures to be made any false or counterfeit brand or mark on any cattle. *Prosecution:* On indictment. *Penalty:* 3 years.

5. *Fraudulently Taking Possession of Drift Timber.—Statute:* Criminal Code, sec. 394 (*a*). *Offence:* Any person

without the consent of the owner thereof fraudulently taking, holding, keeping in his possession, collecting, concealing, receiving, appropriating, purchasing, selling or causing or procuring or assisting to be taken possession of, collected, concealed, received, appropriated, purchased or sold, any timber, mast, spar, sawlog, shingle bolt, or other description of lumber, which is found adrift in, or cast ashore on, the bank, or beach, of any river, stream or lake in Canada, or in the harbours or on any of the coast waters (including the whole of Queen Charlotte Sound, the whole of the Strait of Georgia, or the Canadian waters of the Strait of San Juan de Fuca) of British Columbia. *Prosecution:* On indictment. *Penalty:* 3 years.

6. *Fraudulently Taking, Obtaining or Concealing Anything Capable of being Stolen.—Statute:* Criminal Code, sec. 397. *Offence:* Any person, for any fraudulent purpose, taking, obtaining, removing or concealing anything capable of being stolen. *Prosecution:* On indictment. *Penalty:* 2 years.

7. *Fraudulently Obtaining Execution of Valuable Security. Statute:* Criminal Code, sec. 406. *Offence:* Any person, who, with intent to defraud or injure any person, by any false pretence, causes or induces any person to execute, make, accept, endorse or destroy, the whole or any part of any valuable security, or to write, impress or affix any 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. *Prosecution:* On indictment. *Penalty:* 3 years.

8. *Fraudulently Obtaining Passage on Boat, Train, or Tramway.—Statute:* Criminal Code, sec. 412. *Offence:* Any person by means of any false ticket or order, or of any other ticket or order, fraudulently and unlawfully obtains or attempts to obtain any passage in any carriage, tramway or railway, or in any steam or other vessel. *Prosecution:* On indictment. *Penalty:* 6 months' imprisonment.

9. *Fraudulently Destroying, Altering, Mutilating or Falsifying Books of Company or Making False Entries Therein.—See* FALSIFYING BOOKS.

10. *Fraudulently Destroying, Altering, Mutilating or Falsifying Books of Employer by any Officer, Clerk or Servant.—See* FALSIFYING BOOKS.

11. *Fraudulently Disposing of Property with Intent to Defraud Creditors.—Statute:* Criminal Code, sec. 417 (*a*). *Offence:*

Any person, who, with intent to defraud his creditors, or any of them, (1) Makes or causes to be made, any gift, conveyance, assignment, sale, transfer, or delivery of his property, or (2) removes, conceals, or disposes of any of his property. *Prosecution:* On indictment. *Penalty:* Fine of $800 and 1 year's imprisonment.

12. *Fraudulently Receiving Property from Another with Intent to Defraud his Creditors.—Statute:* Criminal Code, sec. 417 (*b*). *Offence:* Any person, who, with intent that anyone shall defraud his creditors, or any one of them, receives any such property: *Prosecution:* On indictment. *Penalty:* Fine of $800 and 1 year's imprisonment.

13. *Fraudulently Selling Property.— Statute:* Criminal Code, sec. 421. *Offence:* Any person, who, knowing the existence of any unregistered prior sale, grant, mortgage, hypothec, privilege or encumbrance, of or upon any real property fraudulently makes any subsequent sale of the same, or of any part thereof. *Prosecution:* On indictment. *Penalty:* 1 year and fine not exceeding $2,000.

14. *Fraudulently Mortgaging Real Property.—Statute:* Criminal Code, sec. 422. *Offence:* Any person, pretending to hypothecate, mortgage, or otherwise change any real property to which he knows he has no legal or equitable title. *Prosecution:* On indictment. *Penalty:* 1 year and fine not exceeding $100.

15. *Fraudulently Seizing Land under Execution.—Statute:* Criminal Code, sec. 423. *Offence:* Any person in the Province of Quebec, wilfully causing or procuring to be seized and taken in execution, any lands and tenements, or other real property not being at the time of such seizure, to the knowledge of the person causing the same to be taken into execution, the *bona fide* property of the person or persons against whom or whose estate, the execution is issued. *Prosecution:* On indictment. *Penalty:* 1 year.

16. *Fraudulently Depriving His Majesty or other Owner of Gold or Silver Mined.—See* MINING.

17. *Fraudulently Delivering Receipt for Goods without Receiving them.—Statute:* Criminal Code, sec. 425 (*a*). *Offence:* Any person, being the keeper of any warehouse, or a forwarder, miller, master of a vessel, wharfinger, keeper of a cove, yard, harbour, or other place for storing timber, deals, staves, boards or lumber, curer or packer of pork, or dealer in wool, carrier,

factor, agent or other person, or a clerk or other person in his employ, knowingly and wilfully gives, to any person a writing purporting to be a receipt for, or an acknowledgment of any goods, or other property as having been received into his warehouse, vessel, cove, wharf, or other place, or in any such place about which he is employed, or in any other manner received by him, or by the person in or about whose business he is employed, before the goods or other property named in such receipt, acknowledgment or writing have been actually delivered to or received by him as aforesaid with intent to mislead, deceive, injure, or defraud, any person, although such person is then unknown to him. *Prosecution:* On indictment. *Penalty:* 3 years.

18. *Fraudulently Accepting False Receipt for Goods.—Statute:* Criminal Code, sec. 425 (*b*). *Offence:* Any person knowingly and wilfully accepting, transmitting, or using, any false receipt or acknowledgment or writing referred to in section 425 (*a*) of the Criminal Code. *Prosecution:* On indictment. *Penalty:* 3 years.

19. *Fraudulently Disposing of Merchandise as to which Money has been Advanced or Security given by Consignee.—Statute:* Criminal Code, sec. 426 (*a*). *Offence:* Any person, having in his name shipped or delivered to the keeper of any warehouse, or to any other factor, agent or carrier to be shipped or carried, any merchandise upon which the consignee has advanced any money or given any valuable security, afterwards, with intent to deceive, defraud or injure, such consignee, in violation of good faith, and without the consent of such consignee makes any disposition of such merchandise different from and inconsistent with the agreement made in that behalf between him and such consignee at the time when or before such money was so advanced or such security given. *Prosecution:* On indictment. *Penalty:* 3 years.

20. *Fraudulently Disposing of Merchandise by Aiding and Abetting Offence under sec. 426 of Criminal Code.—Statute:* Criminal Code, sec. 426 (*b*). *Offence:* Any person knowingly and wilfully aiding and assisting in making a fraudulent disposition of merchandise under section 426 (*a*) for the purpose of deceiving, defrauding, or injuring such consignee. *Prosecution:* On indictment. *Penalty:* 3 years.

21. *Fraudulently Using Statements in Grain or Timber Receipts under the Bank Act.—Statute:* Criminal Code, sec. 427 (*a*). *Offence:* Any person wilfully making any false state-

ment in any receipt, certificate, or acknowledgment for grain, timber, or other goods or property which can be used for any of the purposes mentioned in the *Bank Act*. *Prosecution:* On indictment. *Penalty:* 3 years.

22. *Fraudulently Alienating Property Covered by Grain or Timber Receipt.—Statute:* Criminal Code, sec. 427 (*b*). *Offence:* Any person having given, or after any clerk, or person in his employ has to his knowledge, given, as having been received by him in any mill, warehouse, vessel, cove or other place, any such receipt, certificate, or acknowledgment, for any such grain, timber, or other goods, or property having obtained any such receipt, certificate or acknowledgment, and after having endorsed or assigned it to any bank or person, afterwards and without the consent of the holder or endorsee in writing or the production and delivery of the receipt, certificate or acknowledgment, wilfully alienates or parts with, or does not deliver to such holder, or owner of such receipt, certificate or acknowledgment, the grain, timber, or other property therein mentioned. *Prosecution:* On indictment. *Penalty:* 3 years.

23. *Fraudulently Cheating at Play.—Statute:* Criminal Code, sec. 442. *Offence:* Any person who, with intent to defraud any person, cheats in playing at any game, or in holding the stakes, or in betting at any event. *Prosecution:* On indictment. *Penalty:* 3 years.

24. *Fraudulently Conspiring.—Statute:* Criminal Code., sec. 444. *Offence:* Any person, conspiring with any other person by deceit or falsehood, or other fraudulent means, to defraud the public or any person, or ascertained or unascertained or to affect the public market price of stocks, shares, merchandise, or anything else publicly sold whether such deceit or falsehood, or other fraudulent means would or would not amount to a false pretence as defined by the Criminal Code of Canada. *Prosecution:* On indictment. *Penalty:* 7 years.

25. *Fraudulently Sending Telegrams in False Names.—See* TELEGRAMS.

26. *Fraudulently Making, Accepting or Endorsing Document without Authority.—See* DOCUMENTS.

27. *Fraudulently Obtaining anything by means of Forged Instrument or Probate or Administration.—See* FORGERY.

28. *Fraudulently Transferring Government Stock, Annuity or Public Fund.—See* GOVERNMENT STOCKS AND BONDS.

29. *Fraudulently Passing off Unpatented Articles as being Patented.—See* PATENTS 3.

30. *Fraudulently using Revenue Stamps.—See* REVENUE 6.

31. *Fraudulently using Postage Stamps.—See* POST OFFICE 4-8, 20, 24, 25.

32. *Fraudulently using Trade Marks.—See* TRADE MARKS 1.

33. *Fraudulently Representing that Goods are Manufactured by Firm for His Majesty.—See* TRADE MARKS 5.

34. *Fraudulent use of False or Unjust Weights and Measures.—See* WEIGHTS AND MEASURES 3.

35. *Fraudulently Transferring Share or Interest in Government Stocks or Bonds.—See* GOVERNMENT STOCKS AND BONDS 2.

36. *Grain Inspectors Committing Frauds.—See* GRAIN 5.

37. *Fraudulent use of Grain Certificates.—See* GRAIN 8.

38. *Fraudulent Manufacture of Grain with Intent to Deceive.—See* GRAIN 23.

39. *Fraudulently Issuing Inspection Certificates or Allowing Evasions of Inspection and Sale Act.—See* INSPECTION AND SALE 2.

40. *Fraudulent Connivance at Violations of Inspection and Sale Act by Employee of Inspector.—See* INSPECTION AND SALE 4.

41. *Fraudulent Alteration, Counterfeiting or Effacing Marks under Inspection and Sale Act.—See* INSPECTION AND SALE 5.

42. *Fraudulent use of Military Service Exemption Certificates.—See* MILITARY 3, 5, 7.

43. *Fraudulently Disposing of Goods on which Security has been given to Bank.—See* BANKS 17.

44. *Fraudulently Concealing Register of any Birth, Death or Marriage.—See* BIRTHS, MARRIAGES AND DEATHS 3, 4.

Freight Cars—

1. *Breaking into Freight Cars with Intent to Steal.—See* RAILWAYS 3.

2. *Placing Freight Cars at rear of Passenger Coach on Government Railway.—See* RAILWAYS 7.

3. *Railway Company Committing Violations of Grain Act with Respect to Grain Cars.—See* GRAIN 16, 27.

Fruit—

1. *Violating Fruit Packing Regulations.—See* INSPECTION AND SALE 32, 38.

2. *False Marking Fruit.—See* INSPECTION AND SALE 33.

3. *Obliterating Fruit Inspection Marks.—See* INSPECTION AND SALE 34.

4. *Packing Fruit in Unauthorized Manner.—See* INSPECTION AND SALE 35.

5. *Destroying or Pilfering Fruit during Transportation.—See* INSPECTION AND SALE 36.

Fugitive Offenders—

1. *Non-compliance by Ship Master of Order.—Statute: Fugitive Offenders Act,* R. S. C. 1906, ch. 154, sec. 26. *Offence:* Failing to comply with order made in pursuance of *Fugitive Offenders Act,* when tendered reasonable amount for expenses, in respect of delivering up fugitive offenders on ship's arrival. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $200.

Furious Driving—

1. *Injuring Persons by Furious Driving.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 285. *Offence:* Any person, having charge of any carriage or motor vehicle, automobile, or other vehicle, by wanton or furious driving, or racing, or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person. *Prosecution:* On indictment. *Penalty:* 2 years.

2. *Driver Failing to Stop After Accident.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 285A. *Offence:* Any person driving a motor car failing to stop his car and with intent to escape liability either civil or criminal, drives on without tendering assistance and giving his name and address after an accident has occurred to any person or to any horse, or vehicle in charge of any person, on a highway. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $50 and costs or 30 days' imprisonment.

G.

Gambling—

1. *Gambling in Public Conveyances.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 234 (*a*). *Offence:* Any person, in any railway car or steamboat, used as a public conveyance for passengers, by means of any game of cards, dice or other instrument of gambling or by any device of like character obtains from any other person any money, chattel, valuable

security or property. *Prosecution:* On indictment. *Penalty:* 1 year.

2. *Attempting to Obtain Money by Gambling in Public Conveyance.—Statute: Criminal Code* R. S. C. 1906, ch. 146, sec. 234 (*b*). *Offence:* Any person attempting to commit the offence contained in section 234 (*a*) of Criminal Code, by actually engaging any person in any such game with intent to obtain money or other valuable thing from him. *Prosecution:* On indictment. *Penalty:* 1 year.

3. *Conductor, &c., Failing to Arrest Gambler on Public Conveyance, &c.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 234 (3). *Offence:* Any conductor, master, or superior officer in charge of any railway car or steamboat making default in the discharge of his duty to arrest gambler under section 234 (2) of the Criminal Code. *Prosecution:* On summary conviction. *Penalty:* Min., $20. Max., $100.

4. *Gambling on Indian Reserves.—See* INDIANS 23.

5. *Neglecting to Post Copy of Section 234 in Public Conveyance.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 234 (5). *Offence:* Any person making default in the discharge of the duty laid upon the person owning or working any railway car or steamboat to keep copy of section 234 posted in conspicuous part of the railway car or steamboat. *Prosecution:* No procedure is specially mentioned. *Penalty:* Min., $20. Max., $100.

Gaming—

1. *Gaming in Stocks or Merchandise.—Statute:* Criminal Code, R. S. C. 1906, sec. 231. *Offence:* Any person with intent to make gain or profit by the rise or fall in price of any stock of any incorporated company or undertaking either in Canada or elsewhere or of any goods, wares, or merchandise:—(*a*) *Makes contract without intention of acquiring or selling:* without the *bona fide* intention of acquiring any such shares, goods, wares, or merchandise, or of selling the same, as the case may be, 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 any shares of stock, goods, wares, or merchandise; *or,* (*b*) *makes contract without delivery or intention of receiving delivery:* 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 any such shares of stock, 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 to make or receive such delivery. *Prosecution:* On indictment. *Penalty:* 5 years and $500 fine.

2. *Frequenting Places where Gaming in Stocks is Carried on.— Statute: Criminal Code,* R. S. C. 1906, ch. 146, sec. 233. *Offence:* Any person, habitually frequenting any office or place wherein the marking or signing or procuring to be made or signed, or the negotiating or bargaining for the making or signing of such prohibited contracts or sale or purchase is carried on. *Prosecution:* On indictment. *Penalty:* 1 year.

Gas—

(*a*) INSPECTION.

1. *Fraud and Forgery of Stamps.—Statute: Gas Inspection Act,* R. S. C. 1906, ch. 87, sec. 52. *Offence:* Forging, counterfeiting, or assisting therein, or uttering forged stamps or marks on gas meters. *Prosecution:* Summary conviction before one or two Justices of the Peace, according to amount of penalty; under $20 before one Justice of the Peace; over $20 before two Justices of the Peace. *Penalty:* In this case, min., $20; max., $200. *Special Provisions:* Distress. Limitation of Action, 6 months. All prosecutions to be instituted by an inspector.

2. *Altering Stamped Meters.—Statute: Gas Inspection Act,* R. S. C. 1906, ch. 87, sec. 53. *Offence:* Tampering with meter so as to cause it to register unjustly or obstructing proper action of meter. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* Min., $50. Max., $100 and fee for removing and testing, and purchasing and fixing new meter. *Special Provisions:* Limitation of Action, 6 months. All prosecutions to be instituted by inspector.

3. *Fixing Unstamped Meter.—Statute: Gas Inspection Act,* R. S. C. 1906, ch. 87, sec. 54. *Offence:* Fixing for use, meter before being verified and stamped. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $25. *Special Provisions:* Distress. Limitation of Action, 6 months. All prosecutions to be instituted by inspector.

4. *Unauthorized Testing.—Statute: Gas Inspection Act,* R. S. C. 1906, ch. 87, sec. 55. *Offence:* Person, other than an inspector, verifying or testing meter. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $25. *Special Provisions:* Distress. Limitation of Action, 6 months. All prosecutions to be instituted by inspector.

5. *Forging Certificates.—Statute: Gas Inspection Act,* R. S. C. 1906, ch. 87, sec. 56. *Offence:* Forging or counterfeit-

ing certificate, or stamp on certificate, or uttering same. Punishable as forgery. Person stealing stamp is guilty of theft. *Prosecution:* Indictable under Criminal Code.

6. *Foreign Substances in Gas.—Statute: Gas Inspection Act,* R. S. C. 1906, ch. 87, sec. 57. *Offence:* Person furnishing gas for illuminating purposes permitting presence of sulphuretted hydrogen, ammonia or sulphur in greater quantity than allowed by the Act, or regulations. *Penalties: Sulphuretted Hydrogen,* first offence, $60 where undertaker has more than 8,000 meters; $30, where undertaker has more than 4,000 and less than 8,000; $20, if more than 1,000 and less than 4,000; $10, if less than 1,000 meters. Subsequent offences double above penalties. *Ammonia and Sulphur* (other than sulphuretted hydrogen), $30 each day of failure to comply with Act, where undertaker has more than 8,000 meters; $15 where less than 8,000 and more than 4,000 meters; $10 where less than 4,000 and more than 1,000; $5 if 1,000 and under. Distress. Limitation of Action, 6 months. All prosecutions to be instituted by inspector (1910, ch. 23, sec. 6).

7. *Offences not Otherwise Provided for.—Statute: Gas Inspection Act,* R. S. C. 1906, ch. 87, sec. 57 (2). Person violating any of the provisions of the *Gas Inspection Act,* R. S. C. 1906, or any regulations established under the Act or who neglects any duty imposed on him by this Act or any regulation thereunder for which violation or neglect no penalty is specially provided. *Penalty:* Min., $25. Max., $100 (1910, ch. 23, sec. 6).

8. *Neglecting to Keep Books.—Statute: Gas Inspection Act,* R. S. C. 1906, ch. 87, sec. 58. *Offence:* Failing to keep books required by Act or refusing inspection. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $50. *Special Provisions:* Distress. Limitation of Action, 6 months. All prosecutions to be instituted by inspector.

9. *Test Certificates.—Statute: Gas Inspection Act,* R. S. C. 1906, ch. 87, sec. 59. *Offence:* Neglecting to procure and post up certificate of tests. *Prosecution:* Summary conviction before one or two Justices of the Peace, according to amount of penalty. Under $20, one Justice of the Peace, over $20, two Justices of the Peace. *Penalty:* Under this section $10 a day during which failure continues. *Special Provisions:* Distress. Limitation of Action, 6 months. All prosecutions to be instituted by inspector.

10. *Selling Gas before Testing.—Statute: Gas Inspection Act,* R. S. C. 1906, ch. 87, sec. 60. *Offence:* Selling gas before connections have been made with testing place, as provided by *Gas Inspection Act. Prosecution:* Before two Justices of the Peace. *Penalty:* $50 per day on which illegal selling takes place. *Special Provisions:* Distress. Limitation of Action, 6 months. All prosecutions to be instituted by inspector.

11. *Inspector Neglecting Duty.—Statute: Gas Inspection Act,* R. S. C. 1906, ch. 87, sec. 61. *Offence:* Inspector stamping meters without testing same, or refusing or neglecting within 3 days to make test as desired. *Prosecution:* Summary conviction before one or two Justices of the Peace, according to penalty. Under $20, one Justice of the Peace; $20, two Justices of the Peace. *Penalty:* Under this section min., $10, max., $50 and dismissal from office. *Special Provisions:* Distress. Limitation of Action, 6 months.

(*b*) CONTRACTS.

12. *Wilful Breach of Contract to Supply Gas.—See* BREACH OF CONTRACT 2, 3.

Gold and Silver—

(*a*) MARKING.

1. *Applying Unauthorized Marks.—Gold and Silver Marking Act,* 1913, ch. 19, sec. 13 (*a*). *Offence:* Dealer, within meaning of Act, applying to an article any mark not authorized by the *Gold and Silver Marking Act,* 1913, or by regulation made under the authority of the same. *Prosecution:* On summary conviction. *Penalties:* Min., $25 for each article or part of an article. Max., $100 for each article or part of an article in respect of which conviction is had (1915, ch. 15, sec. 1).

2. *Applying Marks in Unauthorized Manner.—Statute: Gold and Silver Marking Act,* 1913, ch. 19, sec 13 (*b*). *Offence:* Dealer applying to an article any mark in a manner not authorized by the *Gold and Silver Marking Act,* 1913, or any regulation made thereunder. *Prosecution:* On summary conviction. *Penalties:* Min., $25. Max., $100 for each article or part of an article in respect of which conviction is had (1915, ch. 15, sec. 1).

3. *Neglecting to Apply Marks.—Statute:* The *Gold and Silver Marking Act,* 1913, sec. 13 (*c*). *Offence:* Dealer omitting or neglecting to apply to an article any mark required by the *Gold and Silver Marking Act,* 1913, or any regulation made thereunder. *Prosecution:* On summary conviction. *Penalties:*

Min., $25. Max., $100, for each article or part of an article in respect of which conviction is had. *Special Provisions:* Evidence. Powers of officers. Disposition of penalties (1915, ch. 15, sec. 1).

4. *Making, Selling or Importing Articles with Unauthorized Marks.—Statute:* The *Gold and Silver Marking Act,* 1913, sec. 13 (*d*). *Offence:* Dealer making in Canada, selling in Canada, or importing or otherwise bringing into Canada any article to which any mark not authorized by the *Gold and Silver Marking Act,* 1913, is applied, or to which a mark is applied in unauthorized manner, or which has not applied thereto any mark required to be applied by the *Gold and Silver Marking Act,* 1913, or regulations. *Prosecution:* On summary conviction. *Penalties:* Min., $25. Max., $100 for each article or part of an article in respect of which conviction is had. *Special Provisions:* Evidence. Powers of officers. Disposition of penalties (1915, ch. 15, sec. 1).

5. *Contravening Gold and Silver Marking Act, 1913, or Regulations Thereunder.—Statute: Gold and Silver Marking Act,* 1913, sec. 13 (*e*). *Offence:* Dealer contravening, in any way other than those specified in section 13, any provision of the *Gold and Silver Marking Act,* 1913, or any regulation as to the application of marks to articles. *Prosecution:* On summary conviction. *Penalties:* Min., $25. Max., $100 for each article or part of an article in respect of which the conviction is had. *Special Provisions:* Powers of officers. Disposition of penalties. Evidence (1915, ch. 15, sec. 1).

6. *Attempting to Commit any Offence Described in Section 13 of the Gold and Silver Marking Act, 1913.—Statute: Gold and Silver Marking Act,* 1913, sec. 13 (*f*). *Offence:* Dealer attempting to commit an offence described in section 13 of the *Gold and Silver Marking Act,* 1913. *Prosecution:* On summary conviction. *Penalties:* Min., $25. Max., $100 for each article or part of an article in respect of which conviction is had *Special Provisions:* Disposition of penalties. Evidence. Powers of officers (1915, ch. 15, sec. 1).

7. *Applying Marks Guaranteeing Wear of Plating.—Statute: Gold and Silver Marking Act,* 1913, sec. 14 (*a*). *Offence:* Dealer applying to a plated article any mark which guarantees or purports to guarantee, or induces or tends to induce a belief, that the gold or silver with which the article is plated will wear or last for any time whether specified or not. *Prosecution:* On

summary conviction. *Penalty:* Min., $25. Max., $100. *Special Provisions:* Evidence. Disposition of penalties. Powers of officers (1915, ch. 15, sec. 1).

8. *Making, Selling or Importing Articles Marked with Guarantee of Wear of Plating.—Statute: Gold and Silver Marking Act,* 1913, sec. 14 (*b*). *Offence:* Dealer making in Canada, selling in Canada, or importing or otherwise bringing into Canada any plated article to which any mark guaranteeing wearing of plating is applied. *Prosecution:* On summary conviction. *Penalties:* Min., $25. Max., $100. *Special Provisions:* Powers of officers. Disposition of penalties. Evidence, &c. (1915, ch. 15, sec. 1).

9. *Advertisements Guaranteeing Wear of Plated Articles.—Statute: Gold and Silver Marking Act,* 1913, sec. 14 (*c*). *Offence:* Dealer, in Canada, printing, causing to be printed, issuing, publishing or otherwise making use of any printed or written matter of the nature of an advertisement guaranteeing or purporting to guarantee, or inducing or tendering to induce a belief, that the gold or silver with which a plated article is plated will wear or last for any time whether specified or not. *Prosecution:* On summary conviction. *Penalties:* Min., $25. Max., $100. *Special Provisions:* Evidence. Disposition of penalties. Powers of officers (1915, ch. 15, sec. 1).

10. *Importing Printed Matter Guaranteeing Wear of Plated Articles.—Statute: Gold and Silver Marking Act,* 1913, sec. 14 (*d*). *Offence:* Dealer importing or otherwise bringing into Canada any printed or written matter of the nature of an advertisement guaranteeing wear of plated articles. *Prosecution:* On summary conviction. *Penalty:* Min., $25. Max., $100. *Special Provisions:* Powers of officers. Evidence. Disposition of penalties (1915, ch. 15, sec. 1).

11. *Attempting to Commit any Offence Specified in Section 14 of the Gold and Silver Marking Act, 1913.—Statute: Gold and Silver Marking Act,* 1913, sec. 14 (*e*). *Offence:* Dealer attempting to commit any offence described in section 14 of the *Gold and Silver Marking Act,* 1913. *Prosecution:* On summary conviction. *Penalty:* Min., $25. Max., $100. *Special Provisions:* Evidence. Powers of officers. Disposition of penalties (1915, ch. 15, sec. 1).

12. *Violating Regulations under Gold and Silver Marking Act, 1913.—Statute: Gold and Silver Marking Act,* 1913, sec. 19. *Offence:* Dealer violating regulations under *Gold and Silver*

Marking Act, 1913. *Penalty:* Not exceeding $50. *Prosecution:* Summary conviction.

Government Contracts—

1. *Contractor Allowing Member to have Share in Contract or Commission. — Statute: Dominion Statute,* R. S. C. 1906, ch. 10, sec. 18. *Offence:* Any person who has entered into or accepted a Government contract, admitting a member of the House of Commons to a part or share in any contract, agreement or commission with Government of Canada or any department, or officer of the Government. *Procedure:* Suit. *Court:* Any Court of competent jurisdiction. *Penalty:* $2,000, with costs. *Special Provisions:* Limitation of Action, 12 months after forfeiture has been incurred (sec. 22).

2. *Member of Senate being Interested in Government Money. — Statute: Dominion Statute,* R. S. C. 1906, ch. 10, sec. 20. *Offence:* Any person while being a member of the Senate of Canada, knowingly and wilfully becomes a party to or concerned in any contract under which the public money of Canada is to be paid. *Procedure:* Suit. *Court:* Any Court of competent jurisdiction. *Penalty:* $200 for each and every day during which he continues to be party.

3. *Furnishing or Supplying Materials for use in Penitentiary while being an Officer of Department of Justice. — See* PENITENTIARIES 1.

Government Stocks, Bonds, etc.—

1. *Making False Entries in Government Account Books.— Statute:* Criminal Code, sec. 484 (*a*). *Offence:* Any person, with intent to defraud, makes any untrue entry or any alteration in any book of account, kept by the Government of Canada, or of any province of Canada, or by any bank for any such government in which books are kept the accounts of the owners of any stock, annuity or other public fund, transferable for the time being in any such book, or who, in any manner, wilfully falsifies any of the said books. *Prosecution:* On indictment. *Penalty:* 14 years.

2. *Fraudulently Transferring Share or Interest in Stock, Annuity or Public Fund, in Name of Person other than Owner. —Statute:* Criminal Code, sec 484 (b). *Offence:* Any person, with intent to defraud, making any transfer of any share, or interest, of or in any stock, annuity or public fund transferable for the time being at any bank of any Government stock, annuity

or other public fund in the name of any person other than the owner of such share or interest. *Prosecution:* On indictment. *Penalty:* 14 years.

3. *False Dividend Warrants.—Statute:* Criminal Code, sec. 485. *Offence:* Any person, in employ of the Government of Canada, or of any Province of Canada, of any bank in which any books of account under section 484 are kept, with intent to defraud, makes out or delivers any dividend warrant, or any warrant for the payment of any annuity, interest or money payable at any of the saids banks, for any amount greater or less than that to which the person on whose account such warrant is made out is entitled. *Prosecution:* On indictment. *Penalty:* 7 years.

4. *Engraving or Making Plate, using same or having in Possession for making Government Bond.—Statute:* Criminal Code, sec. 471 (*f, g, h*). *Offence:* Any person, without lawful authority or excuse, the proof whereof shall be upon him:—1, Engraves or makes upon any plate or material anything to resemble the whole or any distinguishing part of any bond, or undertaking for the payment of money used by any dominion, colony or possession of His Majesty or by any foreign prince or state, or by any body corporate or other body of like nature whether within His Majesty's dominions or without; or 2, uses any such plate or other material for printing the whole or any part of such bond or undertaking; or 3, knowingly offers, disposes of or has in his possession any paper, upon which such bond or undertaking or any part thereof has been printed. *Prosecution:* On indictment. *Penalty:* 14 years.

5. *Personation of Owner of Government Stocks or Annuity.* —*See* PERSONATION 3.

Grain—

1. *Interfering with Weigh Master.—Statute: Grain Act,* 1912, ch. 27, sec. 70. *Offence:* Owner, lessee, or other occupant of any terminal elevator, by himself or by his agent or employee refusing or preventing a weighmaster or any of his assistants from having access to such elevator or to any scales therein or connected therewith in the regular performance of his duties in supervising the weighing of grain in accordance with the *Grain Act. Prosecution:* Summary conviction. *Penalty:* $100 for each offence. *Special Provisions:* Limitation of action, 18 months.

2. *Inspector Refusing to Inspect.—Statute: Grain Act,* 1912, sec. 71. *Offence:* Inspector or deputy inspector after ap-

plication made personally to him or by writing left at the office on any lawful day between sunrise and sunset by any owner or possessor of grain, neglecting or refusing to proceed forthwith to such inspection, if he is not at the time of such application employed in inspecting elsewhere. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $20 payable to person applying for the inspection. *Special Provisions:* Limitation of Action, 18 months.

3. *Inspecting out of Local Limits.—Statute: Grain Act,* 1912, sec. 72 (*a*). *Offence:* Inspector or deputy inspector, without authority, inspecting grain out of the local limits for which he is appointed. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $100, forfeiture of office and disqualification. *Special Provisions:* Limitation of Action 18 months.

4. *Inspector Giving False Certificates.—Statute: Grain Act,* 1912, sec. 72 (*b*). *Offence:* Inspector or deputy inspector giving any wilfully false or untrue certificate. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $100, forfeiture of office and disqualification. *Special Provisions:* Limitation of Action, 18 months.

5. *Frauds by Inspectors.—Statute: Grain Act,* 1912, sec. 72 (*c*). *Offence:* Inspector or deputy inspector conniving at or is privy to any fraudulent evasion of the *Grain Act. Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $100, forfeiture of office and disqualification. *Special Provisions:* Limitation of Action, 18 months.

6. *Inspectors Violating Grain Act.—Statute: Grain Act,* 1912, sec. 72 (*d*). *Offence:* Inspector or deputy inspector otherwise violating provisions of *Grain Act. Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $100, forfeiture of office and disqualification. *Special Provisions:* Limitation of Action, 18 months.

7. *Unauthorized Person Acting as Inspector. — Statute: Grain Act,* 1912, sec. 73. *Offence:* Person not thereunto duly authorized under the *Grain Act,* in any manner assuming the title or office of inspector or deputy inspector or issues any certificate purporting to establish the quality of any grain. *Prosecution:* Summary conviction. *Penalty:* $100 or imprisonment for 3 months. *Special Provisions:* Limitation of Action, 18 months.

8. *Fraudulent use of Inspector's Certificate.—Statute: Grain Act,* 1912, sec. 74. *Offence:* Person with fraudulent intention,

using an inspector's certificate or bill of inspection in connection with grain other than the grain in connection with which such certificate or bill of inspection was issued. *Prosecution:* Indictable. *Penalty:* 3 years; or $500, or both. *Special Provisions:* Limitation of Action, 18 months.

9. *Bribery, or Resisting Officer.—Statute: Grain Act,* 1912, sec. 75. *Offence:* Person directly or indirectly giving or offering, or promising to give, or procuring to be given, any bribe, recompense or reward to, or makes any collusive agreement with, any officer, or making use of or threatening to make use of any force, violence or restraint or inflicts or threatens the infliction of any injury or loss upon any officer or upon any other person in order to improperly influence such officer in the performance of his duties under the *Grain Act. Prosecution:* Indictable. *Penalty:* 2 years or $200 or both. *Special Provisions:* Limitation of Action, 18 months.

10. *Evading Law as to Weight of Bushel.—Statute: Grain Act,* 1912, sec. 76. *Offence:* Person violating provisions of *Grain Act,* providing that a bushel of grain shall be determined by weighing and specifying number of pounds such bushel shall contain. *Prosecution:* Summary conviction. *Penalty:* First offence $25; subsequent offences $50. *Special Provisions:* Limitation of Action, 18 months.

11. *Returning Grain to Elevator without Permission.—Statute: Grain Act,* 1912, sec. 77. Public elevator operator allowing grain in a car ordered out of his elevator for which a bill of lading has been signed and from which a sample of grain has been drawn for inspection, to be returned without the permission of the chief grain inspector to the elevator from which it was loaded. *Penalty:* $50. *Special Provisions:* Limitation of Action, 18 months.

12. *Terminal Warehouseman Neglecting to Comply with Order of Board as to giving Facilities for Samples—Western Division only.—Statute: Grain Act,* 1912, sec. 96 (2). *Offence:* Terminal warehouseman neglecting to comply within reasonable time, not to exceed 30 days, with the order of the Board requiring him to supply additional facilities to secure proper samples. *Proscution:* Summary conviction. *Penalty:* Not less than $500 for each offence. *Special Provisions:* This offence applies to the Western Inspection Division only. Limitation of Action, 18 months.

13. *Failing to Account for Grain in Country Elevator.—Statute: Grain Act,* 1912, sec. 166 (4). *Offence:* Person operating country elevator failing to account for grain in accordance with terms of warehouse receipt or of further orders of owners except in case of accidental damage to or accidental destruction of elevator. *Prosecution:* Offence under section 355 (theft by person under direction to account) of Criminal Code. *Penalty:* Same as under Code, sec. 355. Additional penalty, forfeiture of license. *Special Provision:* Limitation of Action, 18 months.

14. *False Statements as to Grain Handled in Country Elevator.—Statute: Grain Act,* 1912, sec. 177 (5). *Offence:* Person without reasonable justification making a false statement or declaration as to grain handled by country elevator required by section 177. *Prosecution:* Indictable. *Penalty:* Min., $50. Max., $1,000. Imprisonment in default of payment. Min., one month. Max., 1 year. *Special Provision:* Onus of establishing reasonable justification is upon person making false statement. Limitation of Action, 18 months.

15. *Unlawful Sale or Pledge of Grain by Operator.—Statute: Grain Act,* 1912, sec. 171. *Offence:* Operator of country elevator selling, assigning, mortgaging, pledging, hypothecating, or in any manner charging any grain stored in such elevator in special bin in accordance with the *Grain Act. Prosecution:* As offences under section 390 (criminal breach of trust) of Criminal Code. *Penalty:* Those under Code, sec. 390. Additional penalty, forfeiture of license. *Special Provisions:* Limitation of Action, 18 months.

16. *Railway Company not Complying with Provisions as to Grain Cars.—Statute: Grain Act,* 1912, sec. 195 (5). *Offence:* Railway company failing to comply with any requirement made by the Board under section 195, sub-sec. 3 as to cars at flag stations and sidings. *Prosecution:* Summary conviction. *Penalty:* Max., $1,000. Min., $500.

17. *Pooling of Country Elevators Prohibited. — Statute: Grain Act,* 1912, sec. 221. *Offence:* Contravening provisions of section 221 of the *Grain Act* which prohibits pooling or division of earnings or receipts of country elevators or division of gross or net earnings or receipts with prohibited persons or corporations. *Prosecution:* Summary conviction. *Penalty:* Min., $500. Max., $1,000. *Special Provisions:* Limitation of Action, 18 months.

18. *Unlicensed Warehousemen.—Statute: Grain Act,* 1912, sec. 236. *Offence:* Person transacting business of a terminal warehouseman without first procuring a license under the *Grain Act; or,* continuing to transact such business after his license has been revoked. *Prosecution:* Indictable. *Penalty:* Min., $50. Max., $250 per day business is transacted. *Special Provisions:* Limitation of Action, 18 months.

19. *Obstructing Weighmaster.—Statute: Grain Act,* 1912, sec. 237. *Offence:* Person by himself or by his agent or employee, refusing or preventing any weighmaster or any of his assistants from having access to his scales in the regular performance of his duties in supervising the weighing of grain in accordance with the *Grain Act. Prosecution:* Summary conviction. *Penalty:* $100. *Special Provisions:* Limitation of Action, 18 months.

20. *Operating Country Elevator without License.—Statute: Grain Act,* 1912, sec. 238. *Offence:* Person operating a country elevator without license under the *Grain Act; or,* continuing to transact business connected with operation of country elevator after license has been revoked. *Prosecution:* Indictable. *Penalty:* Min., $10. Max., $50 for each day elevator is operated in violation of Act. *Special Provisions:* Limitation of Action, 18 months.

21. *Using Forms other than those Set out in Grain Act.—Statute: Grain Act,* 1912, sec. 239. *Offence:* Person using any form other than those in the schedule to the *Grain Act,* or those authorized by the Board with the approval of the Governor-in-Council. *Prosecution:* Summary conviction. *Penalty:* Under Section 243 min., $10, max., $1,000. Imprisonment in default of payment not less than 1 month nor more than one year. Possible forfeiture of license under Section 239 as an alternative punishment. *Special Provision:* Limitation of Action, 18 months.

22. *Mis-statement of Weight of Grain.—Statute: Grain Act,* 1912, sec. 240. *Offence:* Person wilfully falsifying or mis-stating weight of grain as weighed; *or,* using concealed or other weights or does any other act in such a way as to falsify or change the apparent weights of the grain being weighed. *Prosecution:* Summary conviction. *Penalty:* Under section 243, min., $10; max., $1,000. In default not less than 1 month nor more than 1 year. Possible forfeiture of license under sec-

tion 240 as alternative or additional punishment. *Special Provision:* Limitation of Action, 18 months.

23. *Manipulation of Grain with Intent to Deceive.—Statute: Grain Act,* 1912, sec. 241. *Offence:* Person offering for sale or storage, grain, the different qualities of which have been wilfully manipulated with intent to deceive the person to whom it is so offered for sale, or the person receiving it for warehousing, as to the true quality of such grain. *Prosecution:* Summary conviction. *Penalty:* Under section 243, min., $10, max., $1,000. Imprisonment in default of payment not less than 1 month nor more than 1 year. *Special Provision:* Limitation of Action, 18 months.

24. *Offences Respecting Terminal Elevators.—Statute: Grain Act,* 1912, sec. 242. *Offence:* Person owning, managing, operating or being otherwise interested in terminal elevator, buying or selling grain at any point in the Eastern or Western Inspection Division contrary to section 123 of the *Grain Act; or,* mixing different grades of grain when such grain is stored in a terminal elevator; *or,* making untrue statements with respect to anything required by the Act as to receipts or shipments into or out of any terminal elevator or as to the quantity, kind or grade of grain in store or in a terminal elevator. *Prosecution:* Summary conviction. *Penalty:* Min., not less than $5,000 and costs. Max., $20,000 and costs and 2 years' imprisonment. Officer of convicted corporation personally liable to penalties. Terminal elevator license suspended for one year. *Special Provisions:* Limitation of Action, 18 months.

25. *Offences (Person) not otherwise Provided for.—Statute: Grain Act,* 1912, sec. 243. *Offence:* Person guilty of any infraction of, or failing to comply with the requirements of the *Grain Act* for which a penalty is not in the Act specially provided; *or,* of any rule or regulation made pursuant to Act. *Prosecution:* Summary conviction. *Penalty:* (In addition to any other punishment prescribed by law), min., $10, max., $1,000. Imprisonment in default of payment not less than 1 month and not more than 1 year. *Special Provisions:* Limitation of Action, 18 months.

26. *Offences (Corporation) not otherwise Provided for.—Statute: Grain Act,* 1912, sec. 244. Corporation guilty of an infraction of or failing to comply with the provisions of the *Grain Act* for which a penalty is not in the Act specially provided; *or,* any rule or regulation made pursuant to the Act.

Provision: Summary conviction. *Penalty:* (In addition to any other punishment prescribed by law), min., $10; max., $1,000.

27. *Offences in Connection with Grain Cars.—Statute: Grain Act,* 1912, sec. 245. *Offence:* Person transferring or selling his right to any car allotted, or to be allotted, to him for shipping grain; *or,* purchases, takes over or accepts any assignment or transfer of the right of any applicant entitled to a car for shipping grain; *or,* loads any such car which has not been allotted to him by the station agent; *or,* out of his turn loads such car; *or,* not being the agent duly authorized in writing, of an applicant of a car for shipping grain, obtains the placing of a name on the car order book as the name of an applicant for a car for shipping grain. *Prosecution:* Summary conviction. *Penalty:* 1st offence, $25; 2nd offence, $250 or 2 months in jail; 3rd offence, $500 or 3 months in jail. Max., $150. *Special Provisions:* One half penalty (with full costs) belongs to person who informed and prosecuted for same. Limitation of Action, 18 months. (1919, ch. 40, sec. 24).

28. *Refusing or Preventing Examination of Grain Cargo by Customs Officer at Port of Discharge.—See* SHIPPING 153.

29. *False Statements in Securities on Grain Given to a Bank. —See* BANKS 16.

30. *Fraudulent Use of Grain Tickets.—See* FRAUD 21.

31. *Engaging in Grain Business without License under Grain Act.—Statute: Grain Act,* 1912, ch. 27, sec. 119, as amended 1919, ch. 40, sec. 10. *Offence:* Any person engaging in any business for which a license is required under the *Grain Act,* 1912, without first obtaining such license (sec. 119). *Prosecution:* On summary conviction (sec. 119). *Penalty:* Min., $500. Max., $2,000 and costs *or* 5 years' imprisonment or both fine and imprisonment (sec. 119) (1919, ch. 40, sec. 10).

H

Harbours and Piers—

1. *Government Harbours.—Statute: Government Harbours and Piers Act,* R. S. C. 1906, ch. 112, sec. 7. *Offences:* Violation of rules and regulations for use and management of harbours, piers, wharfs and breakwaters. *Penalties* not exceeding $200 and punishment by imprisonment not exceeding 60 days for any violation of such regulations. *Special Provisions:* Part XV. of Criminal Code applied and all penalties payable to Dominion Government.

2. *Public Harbours.—See* SHIPPING 169.

Hay—

1. *Putting Foreign Matter in Bales of Hay.—See* INSPECTION AND SALE 39.

Holes—

1. *Dangerous Holes in Ice.—See* ICE 1.

2. *Neglecting to put Guard Rail Round Ice Hole after Conviction.—See* ICE 2.

Homesteads—

1. *Cutting Timber on Dominion Lands without Authority. —Statute: Dominion Lands Act,* 1908, ch. 20, sec. 65. *Offence:* Cutting, employing or inducing any other person to cut or assist in cutting any timber on Dominion lands, or removes or carries away, or employs or induces or assists to remove or carry away any such timber. *Prosecution:* Civil action. *Penalty:* $3 a tree, seizure of timber and forfeiture to Crown.

2. *Disobeying Ejectment Order.—Statute: Dominion Lands Act,* 1908, ch. 20, sec. 100. *Offence:* Person remaining upon Dominion lands or returning thereto, or assuming any right of possession or occupancy or use thereof after having been ordered to vacate same under the *Dominion Lands Act. Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or Judge. *Penalty:* $300 or 6 months or both.

3. *Selling Timber to Saw-mills before Patent.—Statute: Dominion Lands Act,* 1908, ch 20, sec. 101. *Offence:* Holder of homestead entry previous to issue of patent selling timber on homestead, pre-emption or purchased homestead to owner of saw-mills or to any others than settlers, without permission of Minister of Interior. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $100, seizure and confiscation of timber.

Husband and Wife—

1. *Theft Between.—See* THEFT 3, 4.

2. *Wife Beating.—See* BODILY HARM 2.

I

Ice—

1. *Leaving Unguarded Holes in Ice.*—Criminal Code, R. S. C. 1906, ch. 146, sec. 287 (*a*). *Offence:* Any person cutting or making, or causing to be cut or made, any hole, opening, aperture or place, of sufficient size or area to endanger human life,

through the ice on any navigable or other water open to or frequented by the public, and leaves such hole, opening, aperture, or place, while it is in a state dangerous to human life, whether the same is frozen over or not, unenclosed by bushes or trees, or unguarded by a guard or fence of sufficient height and strength to prevent any person from accidentally riding, driving, walking, skating or falling therein. *Prosecution:* On summary conviction. *Penalty:* Fine or imprisonment with or without hard labour or both. Under section 1052 (2) the penalty in cases of summary conviction where no provision is made, as in this section, is $50 fine or 6 months' imprisonment with or without hard labour or both fine and imprisonment.

2. *Neglecting to Erect Guard after Conviction.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 287 (*c*). *Offence:* Any person omitting within five days, after conviction under section 287 (*a*), to guard or inclose the same, or to construct around or over such exposed opening or excavation a guard or fence of the height and strength therein referred to. *Prosecution:* On summary conviction. *Penalty:* Fine or imprisonment. Under section 1052 (2) the penalty in unprovided summary conviction cases is $50 fine or 6 months' imprisonment with or without hard labour, or both fine and imprisonment.

Idiots—

1. *Carnally Knowing.—See* CARNAL KNOWLEDGE 11.

Illicit Stills—

1. *Using or having in Possession for Manufacturing Alcohol, Beer, &c.—See* INLAND REVENUE 17.

Immigration—

1. *Bringing, Landing, Harbouring or Concealing Prohibited Immigrants.—Statute: Immigration Act,* 1910, ch. 27, sec. 33 (8), as amended 1919, ch. 25, sec. 12. *Offence:* Transportation company or person, including the master, agent, owner, charterer, or consignee of any vessel, bringing into or landing in Canada by vessel or otherwise or attempting by himself or through another to bring into or land in Canada by vessel or otherwise or, concealing, or harbouring, or attempting to conceal or harbour, or assisting or abetting another to conceal or harbour, in any place including any building, vessel, railway car, conveyance or vehicle any prohibited immigrant, passenger or other person (sec. 33 (8)). *Prosecution:* On summary conviction (sec. 33 (8)). *Penalty:* $500 max., and $50 min., or 6 months or

both for each prohibited immigrant (sec. 33 (8)) (1919, ch. 25, sec. 12 (4)).

2. *Rejected or Deported Immigrants Being or Remaining in Canada.—Statute: Immigration Act,* 1910, ch. 27, sec. 42. *Offence:* Any person rejected or deported by reason of any cause (other than non-compliance with money qualification), or removed, expelled or deported under the authority of any order in Council or other regulation made under the *War Measures Act,* 1914, is not permitted to enter or land in Canada without the consent of the Minister of Immigration, and any person who enters or remains in or returns to Canada after such rejection or deportation contrary to the provisions of section 16 of the *Immigration Act,* or who refuses or neglects to leave Canada when ordered so to do by the Governor-in-Council as provided by sub-section 3 of section 16 of the *Immigration Act,* is guilty of an offence (sec. 16 (4)). *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $500 and not less than $50, or 1 year or both. *Special Provisions:* Suspected person may be arrested without warrant by any officer for examination and deportation as provided in section 33 of the *Immigration Act* (sec. 16 (4)). After serving sentence or paying fine the person can be again deported (sec. 16 (4)). (1919, ch. 25, sec. 16).

3. *Immigrants Bringing Offensive Weapons into Canada.—Statute: Immigration Act,* 1910, ch. 27, sec. 43A, as amended 1919, ch. 25, sec. 18. *Offence:* Immigrant bringing into Canada any pistol, sheath knife, dagger, stiletto or other offensive weapon which can be concealed upon the person. *Penalty:* Confiscation only. *Special Provisions:* Right to search baggage and seize weapons (sec. 43A). (1919, ch. 25, sec. 18).

4. *Transportation Company Bringing in Certain Class of Prohibited Immigrants.—Statute:* The ***Immigration Act,* 1910,** ch. 27, sec 48 (3), as amended 1919, ch. 25, sec. 22. *Offence:* Transportation company bringing in prohibited immigrants of class set out in sec. 48 (3) of the *Immigration Act,* 1910, who were so afflicted at time of embarkation (sec. 48 (3)). *Prosecution:* In Court of competent jurisdiction. *Penalty:* $200 and an additional sum equal to that paid by the immigrant passenger or other person for his transportation (sec. 48 (3)). (1919, ch. 25, sec. 22).

5. *Transportation Company Bringing Certain Other Mentally or Physically Defective Immigrants into Canada.—Statute:*

The *Immigration Act*, 1910, ch. 27, sec 48 (4), as amended 1919, ch. 25, sec. 22. *Offence:* Transportation company bringing into Canada prohibited immigrants (other than those described in sub-sec. 3 of sec. 48) who are mentally or physically deficient so as to affect their earning a living, and who were so affected at time of embarkation (sec. 48 (4)). *Prosecution:* In Court of competent jurisdiction. *Penalty:* $25 and passage money (sec. 48 (4)). (1919, ch. 25. sec. 22).

6. *Master Permitting Passengers to Land Before Delivering Manifest.—Statute:* The *Immigration Act*, 1910, ch. 27, sec. 49, as amended 1919, ch. 25, sec. 23. *Offence:* Master of any vessel arriving at any port of entry in Canada permitting any passenger to leave the vessel before he has delivered to the Immigration Officer in charge a correct manifest in the form prescribed by the regulations in that behalf and received permission from the officer in charge to allow passengers to land (sec. 49 (5)). *Prosecution:* Court of competent jurisdiction. *Penalty:* Fine not more than $100 and not less than $20, for every passenger so leaving the vessel (sec. 49 (5)). (1919, ch. 25, sec. 23).

7. *Master Failing to Account for Passengers.—Statute: Immigration Act*, 1910, ch. 27, sec. 49 (6), as amended 1919, ch. 25, sec. 23. *Offence:* Master of vessel arriving at any port of entry in Canada failing to produce or satisfactorily account for every passenger whose name appears on the manifest, when required so to do by the Immigration Officer in charge of the port of entry to which such passenger is manifested (sec. 49 (6)). *Prosecution:* Court of competent jurisdiction (sec. 49 (6). *Penalty:* Fine not more than $100, and not less than $20 for each such passenger (sec. 49 (6)). (1919, ch. 25, sec. 23).

8. *Master Permitting Stowaway to Land without Permission of Officer.—Statute: Immigration Act*, 1910, ch. 27, sec. 49 (7). as amended 1919, ch. 25, sec. 23. *Offence:* Master of any vessel arriving at any port of entry in Canada, permitting any stowaway to leave the vessel without permission of the Immigration Officer in charge, or through negligence permits such stowaway to escape from the vessel before the Immigration Officer in charge has given permission for such stowaway to be landed or after such stowaway has been ordered to be deported, or in the event of such escape fails to report it forthwith to the Immigration Officer in charge (sec. 49 (7)). *Prosecution:* Court of competent jurisdiction. *Penalty:* Fine not more than $100 and

not less than $20 for each stowaway leaving or escaping from vessel (sec. 49 (7)). (1919, ch. 25, sec. 23).

9. *Master or Transportation Company Failing to Deliver List of Seamen or Employees, and those Discharged or Deserted. —Statute:* The *Immigration Act,* 1910, ch. 27, sec. 52 (1), as amended 1919, ch. 25, sec. 24. *Offence:* Transportation company or master of ship neglecting duties under sec. 52 of the *Immigration Act,* 1910, respecting delivery of lists of seamen, employees, crew and those discharged or deserted (sec. 52 (1)). *Prosecution:* In Court of competent jurisdiction (sec. 52 (1). *Penalty:* $10 for each officer or member of crew or other person concerning whom correct lists are not delivered (sec. 52 (1). (1919, ch. 25, sec. 24).

10. *Master of Vessel Discharging Crew without Examination by Immigration Officer.—Statute:* The *Immigration Act,* 1910, ch. 27, sec. 52 (2). *Offence:* Master of any vessel arriving at any port of entry in Canada paying off or discharging any officer, seaman, or other member of the crew or other person employed on such vessel without such person having been examined by an Immigration Officer under sec. 33 of the *Immigration Act,* 1919 (sec. 52 (2)). *Prosecution:* Court of competent jurisdiction (sec. 52 (2)). *Penalty:* Fine, min., $20; max., $100 for every such person so paid off or discharged (sec. 52 (2)). (1919, ch. 25, sec. 24).

11. *Seaman of Class Prohibited by Immigration Act, Landing Otherwise than for Medical Treatment.—Statute: Immigration Act,* 1910, ch. 27, sec. 52 (3), as amended 1919, ch. 25, sec. 24. *Offence:* Transportation company, owner, agent, consignee, or master of such vessel, neglecting or refusing to detain on board vessel any officer, seaman or other person (belonging to prohibited classes and employed on board) after notice in writing by the agent or Immigration Officer in charge at the port of entry (sec. 52 (3)). *Prosecution:* Court of competent jurisdiction (sec. 52 (3)). *Penalty:* $500. *Special Provisions:* This section does not extend to Canadian citizens or persons having Canadian domicile (sec. 52 (3)). Ship may be seized for penalty (sec. 52 (3)). (1919, ch. 25, sec. 24).

12. *Vessel Arriving in Canada with Employees of Class Prohibited in Canada:—Statute: Immigration Act,* 1910, ch. sec. 52 (4), as amended 1919, ch. 25, sec. 24. *Offence:* It is unlawful for any vessel upon arrival at any port of entry in Canada from any port or place outside of Canada to have on

board employed thereon, any person afflicted with idiocy, feeble mindedness, imbecility, insanity, epilepsy, or with any loathsome disease, or any disease which is contagious or infectious or which may become dangerous to public health, and if it appears to the satisfaction of the Minister of Immigration from an examination made by a medical officer and so certified by such officer, that any such person was so afflicted at the time he was shipped or engaged, or taken on board such vessel, and that the existence of such affliction might have been detected by means of a competent medical examination at such time (sec. 52 (4)). *Penalty:* $50 for each person so afflicted and is payable by master, owner, agent or consignee (sec. 52 (4)). *Special Provisions:* This section does not apply to persons who are Canadian citizens or who have Canadian domicile (sec. 53 (4)). Person may be detained and medically treated at expense of vessel (sec. 53 (4)). (1919, ch. 25, sec. 24).

13. *Signing on, or Bringing as one of Crew, any Person with Intent to Land Contrary to the Immigration Act.—Statute:* The *Immigration Act,* 1910, ch. 27, sec. 52 (5), as amended 1919, ch. 25, sec. 24. *Offence:* Transportation company or person including the owner, agent, consignee, or master of any vessel, arriving in Canada from any port or place outside Canada, knowingly signing on the ship's articles, or bringing to Canada as any of the officers or crew of such vessel any person other than a Canadian citizen or a person having Canadian domicile with intent to permit such person to land in Canada contrary to the provisions of the *Immigration Act,* 1910; or, representing to the immigration authorities at the port of entry that any such person is a bona fide officer or member of the crew (sec. 52 (5)). *Prosecution:* Court of competent jurisdiction (sec. 52 (5)). *Penalty:* Max., $500. Min., $50, for each such person (sec. 52 (5)). *Special Provisions:* Vessel may be seized and proceeded against by way of libel in any Court in Canada having competent jurisdiction (sec. 52 (5)). (1919, ch. 25, sec. 24).

14. *Unlawfully Entering Canada.—Statute: Immigration Act,* 1910, ch. 27, sec. 33 (7). *Offence:* Person entering Canada, except at a port of entry; *or,* who, at a port of entry eludes examination by an officer or Board of Inquiry; *or,* who enters Canada by force or misrepresentation or stealth or otherwise contrary to Act; *or,* who escapes from custody of an officer or from an immigration station when detained for any cause under the *Immigration Act. Penalty:* $100 and costs.

15. *Interference with Immigration Officer.—Statute: Immigration Act,* 1910, ch. 27, sec. 33 (9). *Offence:* Transportation company or person interfering with or resisting an Immigration Officer in the performance of his duty; *or,* knowingly and wilfully assisting in the escape of any person detained by an officer or at an immigrant station; *or,* giving false information to an officer whereby such officer is induced to land or permit the landing in Canada who otherwise would be refused landing or held for examination. *Penalty:* Min., $20. Max., $500 and costs, or 6 months or both (1919, ch. 25, sec. 12 (5)).

16. *Tourists Failing to Report.—Statute: Immigration Act,* 1910, ch. 27, sec. 33 (10). *Offence:* Person entering Canada as a tourist or traveller or other non-immigrant, but who ceases to be such and remains in Canada, and makes default in reporting to nearest Immigration Officer and present himself for examination. *Penalty:* $100 and costs and deportation by order of Board of Inquiry or by order of officer acting as such.

17. *Refusing to Reconvey Rejected or Deported Immigrants. —Statute: Immigration Act,* 1910, ch. 27, sec. 39. *Offence:* Transportation company neglecting or refusing to reconvey rejected or deported immigrants to country of birth or citizenship where so directed by Minister or Superintendent of Immigration. *Penalty:* Max., $500. Min., $20 and costs.

18. *Deportation and Return of Rejected Immigrants.— Statute: Immigration Act,* 1910, ch. 27, sec. 44. *Offence:* Transportation company refusing to receive ejected immigrant on board vessel or train; or, failing to detain such person therein; or, refusing or failing to return such person to place whence he came; or, failing to pay costs of maintenance of such person; or, charging deported person for maintenance. *Penalty:* Master, agent, or owner. Max., $500. Min., $50 and costs. Vessel not to have clearance until fine is paid.

19. *Deportation of Rejected Passenger.—Statute: Immigration Act,* 1910, ch. 27, sec. 46. *Offence:* Transportation company refusing or neglecting to comply with the order of the Minister of Superintendent of Immigration or Board of Inquiry or officer acting as such board, to take on board, guard safely and return to the place in the country whence he came or to the country of his birth or citizenship as may be directed by the order, any passenger or other person brought to Canada by such transportation company and ordered to be deported under the *Immigration Act. Penalty:* Min., $50. Max., $500 and costs.

20. *Permitting Escape of Person Ordered to be Deported.—Statute: Immigration Act,* 1910, sec. 48 (1). *Offence:* Transportation company, through connivance or negligence of official or employee permitting escape of any person delivered into custody of such transportation company by any officer for deportation under the *Immigration Act,* 1910. *Penalty:* Max., $500. Min., $50 and costs.

21. *Failing to Notify Escape of Person Ordered to be Deported.—Statute: Immigration Act,* 1910, sec. 48 (2). *Offence:* Master of vessel, conductor of train, dock master, special constable, or other official or employee of transportation company failing to report to nearest available Immigration Officer or company failing to report to Superintendent of Immigration the fact of escape of person ordered to be deported. *Penalty:* Company, Max., $100. Min., $20. Master, Conductor, &c., Max., $20. Min., $10 and costs.

22. *Incoming Manifests.—Immigration Act,* 1910, sec. 49(4). *Offence:* Master of vessel failing to deliver manifest required by sec. 49 of the *Immigration Act* on arrival of vessel in Canada; or, making partial or false manifest. *Penalty:* Max., $100; Min., $20 and costs for every person with regard to whom omission occurs or false statement made.

23. *Passengers Embarked after Clearance.—Statute: Immigration Act,* 1910, sec. 50. *Offence:* Master of vessel embarking passengers after vessel has been cleared and examined by proper officer at port of departure and not reporting same in manifest delivered to Immigration Officer in charge of port of entry. *Penalty:* Max., $100 and costs. Min., $20 each additional passenger not reported.

24. *Outbound Manifests.—Statute: Immigration Act,* 1910, sec. 51. *Offence:* Master of vessel refusing or omitting to deliver to Immigration Officer manifest of outward bound passengers. *Penalty:* Max., $100. Min., $20 and costs for every passenger with regard to whom there has been refusal or wilful neglect.

25. *Pilot Neglecting Duties under Immigration Act.—Statute: Immigration Act,* 1910, sec. 54. *Offence:* Pilot failing to notify Immigration Officer immediately upon arrival in port (and before permission is given for passengers to leave vessel) of any passenger or stowaway who has been permitted to leave vessel contrary to the *Immigration Act,* 1910. *Penalty:* Max., $100. Min., $10 for each such passenger or stowaway and costs.

26. *False Representation to Deter or Induce Immigration.—Statute: Immigration Act,* 1910, sec. 55. Person causing or procuring publication or circulation by advertisement or otherwise in a country outside Canada, of false representations as to the opportunities for employment in Canada; or, as to the state of the labour market in Canada intended or adapted to encourage or induce or to deter or prevent immigration into Canada of person resident in such outside country; or does anything in Canada for the purpose of causing or procuring the communication to any resident of such country of any such representation which are thereafter so published, circulated or communicated. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $500 and costs or 6 months or both.

27. *Violating Passage Contract with Immigrant.—Statute: Immigration Act,* 1910, sec. 56. *Offence:* Master or crew violating law of country regarding duties towards immigrants; or, during voyage committing breach of contract between immigrant and owners of vessel. *Penalty:* Max., $100. Min., $20 and costs.

28. *Intercourse between Crew and Female Immigrants.—Statute: Immigration Act,* 1910, sec. 57 (2). *Offence:* Officer, seaman, or other man employed on board a vessel bringing immigrants to Canada who, while such vessel is in Canadian waters entices or admits any female immigrant into his apartment; or, except by direction or permission of the master of such vessel first given, visits or frequents any part of such vessel assigned to female passengers. *Penalty:* $25 and costs.

29. *Master Permitting Crew to Visit Female Immigrants.—Statute: Immigration Act,* 1910, sec. 57 (3). *Offence:* Master of vessel who, while such vessel is in Canadian waters directs or permits any officer or seaman or other man employed on vessel to visit or frequent any part of such vessel assigned to female immigrants except for purposes of doing or performing some necessary act or duty. *Penalty:* $25 each offence and costs.

30. *Neglecting to Post Notices Regarding Intercourse Between Crew and Immigrants.—Immigration Act,* 1910, sec. 58. *Offence:* Master of vessel bringing immigrants to Canada from Europe neglecting to post and keep posted notices regarding prevention of intercourse between crew and immigrants as provided by section 58 of the *Immigration Act,* 1910. *Penalty:* $100 and costs. Prosecutions instituted by Immigration Officer.

31. *Excessive Number of Passengers.—Statute: Immigration Act,* 1910, sec. 59 (1). *Offence:* Master bringing vessel within limits of Canada having on board a greater number of passengers than allowed by section 59 of the *Immigration Act,* 1910. *Penalty:* Max., $20. Min., $10 for each excess passenger and costs.

32. *Selling Intoxicating Liquors to Steerage Passengers.—Statute: Immigration Act,* 1910, sec. 59 (3). *Offence:* Officer or member of crew of vessel selling or giving intoxicating liquor to any third-class or steerage passenger during voyage of such vessel to Canada, without consent of master of ship or ship surgeon or other qualified medical practitioner on board. *Penalty:* Max., $50. Min. $10. Where there is a bar or other place for the sale of intoxicating liquors on the vessel in the quarters of the third class or steerage passengers the master of the vessel is liable to a fine not less than $50 nor more than $500 and costs for permitting same.

33. *Selling Tickets to Immigrants at Excessive Rates.—Statute: Immigration Act,* 1910, sec. 69. *Offence:* Person licensed as an immigrant runner, or person acting for transportation company, forwarding company, transfer company or hotel or boarding house, and every person in his employ, selling to any immigrant a ticket or order for the passage of such immigrant or for the conveyance of his luggage at a higher rate than that for which it could be purchased directly from the company or person undertaking such conveyance. *Penalty:* Not exceeding $100 and costs.

34. *Scalping Immigrants' Tickets.—Statute: Immigration Act,* 1910, sec. 69. *Offence:* Person purchasing a ticket referred to in section 69 of the *Immigration Act,* 1910, from an immigrant for less than its value, or gives in exchange for it one of less value. *Penalty:* $100 and costs.

35. *Innkeeper Detaining Immigrant's Effects. — Statute: Immigration Act,* 1910, sec. 72. *Offence:* Innkeeper or boarding-house keeper detaining the effects of any immigrant by reason of any claim for board or lodging after tender of sum of $5 or such less sum as is actually due for board or lodging of such immigrant. *Penalty:* Max., $25 and costs. Min., $5, over and above value of effects detained and must restore effects. *Special Provisions:* Search warrant for goods unlawfully held can be issued.

36. *Offences not Otherwise Provided for.—Statute: Immigration Act,* 1910, sec. 78. *Offence:* Person violating any pro-

vision of the *Immigration Act*, 1910, or any order-in-Council, proclamation or regulation thereunder, in respect of which violation no other penalty is provided by the Act. *Penalty:* $100 and costs.

Incest—

1. *Incest.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 204. *Offence:* Any parent and child, any brother and sister, and every grandparent and grandchild, cohabiting or having sexual intercourse with each other, when aware of their consanguinity. *Prosecution:* On indictment. *Penalty:* 14 years and the male person shall be liable to be whipped. If the Court or Judge is of opinion that the female accused is a party to such intercourse only by reason of the restraint, fear or duress of the other party, the Court or Judge is not bound to impose any punishment on such person under this section.

Income Tax—

1. *Neglecting to Make Income Tax Returns.—Statute:* The *Income War Tax Act*, 1917, ch. 28, sec. 9 (1). *Offence:* Any tax payer, or other person or persons required to make returns under sections 8 and 9 of the *Income War Tax Act*, 1917, ch. 28, making default therein. *Prosecution:* On summary conviction. *Penalty:* $100 a day during default.

2. *Making False Statements in Regard to Income Tax Returns.—Statute: Income War Tax Act*, 1917, sec. 9 (2). *Offence:* Any person making a false statement in any return or in any information required by the Minister under the *Income War Tax Act*, 1917. *Prosecution:* On summary conviction. *Penalty:* Not exceeding $10,000 or 6 months or both.

3. *Income Tax Official Disclosing Information.—Statute: Income War Tax Act*, 1917, sec. 11. *Offence:* 1, Person employed in the service of His Majesty communicating or allowing to be communicated to any person not legally entitled thereto, any information obtained under the provisions of the *Income War Tax Act*, 1917; 2, person employed in the service of His Majesty allowing any such person to inspect or have access to any written statement furnished under the provisions of said Act. *Prosecution:* On summary conviction. *Penalty:* Not exceeding $200.

Indecency—

1. *Indecent Acts.—Public Place.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 205 (*a*). *Offence:* Any person,

wilfully in the presence of one or more persons doing any indecent act in any place to which the public have or are permitted to have access. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* $50 or 6 months with or without hard labour or both fine and imprisonment.

2. *Indecent Acts.—Insult.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 205 (*b*). *Offence:* Any person wilfully doing any indecent act in any place intended thereby to insult or offend any person. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* $50 or 6 months with or without hard labour or both.

3. *Indecent Acts.—Gross Indecency.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 206. *Offence:* Any male person in public or private, committing or is a party to commission of, or procures or attempts to procure the commission by any male person of any act of gross indecency with another male person. *Prosecution:* On indictment. *Penalty:* 5 years and whipping.

4. *Offering Indignity to Dead Human Body.—See* DEAD BODIES 2.

5. *Public Exhibition of Disgusting Object or Indecent Show. —Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 207 (b). *Offence:* Any person knowingly, without lawful justification or excuse, publicly exhibiting any disgusting object or any indecent show. *Prosecution:* On indictment. *Penalty:* 2 years.

6. *Appearing as Actor in Indecent Show.—Statute:* Criminal Code, R. S. C. 1906, ch. 208 (2). *Offence:* Any person taking part or appearing as an actor, performer, or assistant in any capacity, in any immoral, indecent or obscene play, opera, concert, performance, or other entertainment or representation under section 208 of Criminal Code. *Prosecution:* On summary conviction. *Penalty:* 3 months' imprisonment or $20 fine or both.

7. *Appearing in Indecent Costume at Show.—Statute:* Criminal Code, R. S. C. 1906, sec. 208 (3). *Offence:* Any person taking part or appearing in an indecent costume in immoral theatrical performance under section 208 of Criminal Code. *Prosecution:* On summary conviction. *Penalty:* 6 months' imprisonment or $50 fine or both.

8. *Lessee or Manager of Theatre Giving or Permitting Indecent Show.—Statute:* Criminal Code, R. S. C. 1906, ch. 146,

sec. 208 (1). *Offence:* Any person, being the lessee, agent or person in charge or manager of a theatre, presenting or giving or allowing to be presented or given therein any immoral, indecent or obscene play, opera, concert, acrobatic, variety or vaudeville performance or other entertainment or representation. *Prosecution:* On indictment or on summary conviction. *Penalty:* On indictment, 1 year with or without hard labour or $500 fine or both. On summary conviction, 6 months' imprisonment or $50 or both.

Indians—

1. *Indian Selling Live Stock.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 105. *Offence:* Indian or non-treaty Indian in the provinces of Manitoba, British Columbia, Saskatchewan or Alberta or in the Territories, without written consent of Indian agent, selling, bartering, exchanging or giving to any person or Indian other than an Indian of such band, or killing, or destroying any animal or the progeny thereof given to him or to the band under treaty stipulations, or loaned or conditionally given to him or the band by the Government. *Prosecution:* On summary conviction. *Penalties:* $25 and costs or 2 months or both (1914, ch. 35, sec. 7).

2. *Inciting Indians to Commit Breach of Peace.—Statute:* Criminal Code, R.S.C. 1906, ch. 146, Part II., sec. 109. *Offence:* Any person who induces, incites or stirs up any three or more Indians, non-treaty Indians, or half-breeds, acting in concert to make any request or demand of any agent or servant of the Government in a riotous, routous, disorderly or threatening manner, or in a manner calculated to cause a breach of the peace; or, to do any act calculated to cause a breach of the peace. *Prosecution:* On indictment. *Penalty:* 2 years' imprisonment.

3. *Inciting Indians to Commit an Indictable Offence.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 110. *Offence:* Any person inciting an Indian to commit any indictable offence. *Prosecution:* On indictment. *Penalty:* 5 years.

4. *Residing, Hunting or Using Reserve.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 124. *Offence:* Residing, hunting or using land on reserve without authority. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Min., $5 and costs. Max., $10 and costs, or imprisonment, alternative, one month. *Special Provisions:* One moiety belongs to informant.

5. *Refusing to Leave Reserve.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 125. *Offence:* Refusing to remove from reserve on demand of Indian agent, chief or constable, any cattle or refusing to cease fishing. *Prosecution:* Summary conviction before Justice of the Peace. *Penalty:* Min., $5. Max., $10 per day during failure. Imprisonment, 3 months, in default.

6. *Shooting or Fishing on Reserve.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 126. *Offence:* Shooting, hunting, or fishing on reserve without authority. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Min., $5. Max., $10. Imprisonment, one month, in default. *Special Provisions:* These penalties are added to any other liabilities.

7. *Trespassing and Cutting Trees.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 127 (*a*). *Offence:* Trespassing on reserves and cutting or removing trees. *Prosecution:* Summary conviction, Police Magistrate, Stipendiary Magistrate, two Justices of the Peace or Indian Agent. *Penalty:* $20 and costs. *Special Provisions:* Distress in default or imprisonment in default, 30 days. Penalties belong to Dominion Government (Indian Department).

8. *Hay and Timber.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 127(*b*). *Offence:* Trespassing on reserve and cutting or removing timber or hay. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Indian Agent. *Penalty:* Where value is under $1 penalty is $4. Over value of $1 penalty $20 and costs. *Special Provisions:* Distress in default or imprisonment in default, 30 days. Penalties belong to Dominion Government (Indian Department).

9. *Soil, Stone, Minerals, &c.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 127 (*c*). *Offence:* Trespassing on reserve and removing soil, stone, or minerals. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Indian Agent. *Penalty:* $20 and costs. *Special Provisions:* Distress in default or imprisonment in default, 30 days. *Penalties* belong to Dominion Government (Indian Department).

10. *Indians Trespassing on Another Reserve.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 128. *Offence:* Indians, without license or consent, trespassing on another reserve and cutting or removing anything. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipen-

diary Magistrate, or Indian Agent. *Penalty:* Over value of $1, penalty $20 and costs. *Special Provisions:* Distress in default or imprisonment in default, 30 days. Penalties belong to Dominion Government (Indian Department).

11. *Purchasing Crops from Indians.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 129. *Offence:* Buying from Indians, in Manitoba, Saskatchewan, Alberta, or North West Territories, any grain, root, crops or produce, contrary to regulations of Governor-in-Council. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or Indian Agent. *Penalty:* $100 or 3 months, alternative, imprisonment, or both fine and imprisonment.

12. *Sugar Maple Trees.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 130. Cutting, carrying away or removing, hard, or sugar maple tree or sapling or buying same from an Indian in Manitoba, Saskatchewan, Alberta, or North West Territories, contrary to regulations of Governor-in-Council. *Prosecution:* Summary conviction before two Justices of the Peace, Stipendiary Magistrate, Police Magistrate, or Indian Agent. *Penalty:* $100, or 3 months, alternative imprisonment, or both fine and imprisonment.

13. *Officials Trading with Indians.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 131. *Offence:* Department employee, missionary, school teacher or (in Alberta, Saskatchewan, Manitoba and Territories) any person on reserve trading with Indians without license. *Prosecution:* Summary conviction before one Justice of the Peace, Indian Agent, Police Magistrate or Stipendiary Magistrate. *Penalty:* Double sum received for goods.

14. *Cutting Trees.—Statute:* Indian Act, R. S. C. 1906, ch. 81, sec. 132. *Offence:* Cutting trees, or assisting in cutting trees on Indian lands. Civil action. Damages equal to $3 for each tree, and loss of labour and disbursements. *Prosecution:* Court of competent civil jurisdiction.

15. *Presents.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 133. *Offence:* Buying or acquiring presents given to Indians. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $200, or, alternative imprisonment, 6 months.

16. *Land Agent Becoming Purchaser.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 134. *Offence:* Land sale agent purchasing Indian lands. *Prosecution:* Civil suit. $400. Forfeiture of office.

17. *Selling Liquor to Indians.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 135 (*a*). *Offence:* Selling, bartering, supplying or giving liquor to an Indian. *Prosecution:* Summary conviction before two Justices of the Peace, Indian Agent, Police Magistrate, Stipendiary Magistrate, or Judge. *Penalty:* Imprisonment, min., 1 month., max., 6 months; or fine, min., $50 and costs, max., $300 and costs; or both fine and imprisonment. *Special Provisions:* One moiety belongs to informer or prosecutor. Other moiety to Dominion Government (Indian Department).

18. *Tavern on Reserve.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 135 (*b*). Opening and keeping a tavern house or building for sale of intoxicating liquor on reserve. *Prosecution:* Summary conviction before two Justices of the Peace, Indian Agent, Police Magistrate, Stipendiary Magistrate, or Judge. *Penalty:* Imprisonment, min., 1 month; max., 6 months; or fine, min., $50 and costs, max., $300 and costs or both fine and imprisonment. *Special Provisions:* One moiety belongs to informer or prosecutor. Other moiety to Dominion Government (Indian Department).

19. *Possessing Liquor on Reserve.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 135 (*c*). *Offence:* Having intoxicants in possession in house of Indian. *Prosecution:* Summary conviction before two Justices of the Peace, Indian Agent, Police Magistrate, Stipendiary Magistrate or Judge. *Penalty:* Imprisonment, min., 1 month; max., 6 months; or fine, min., $50 and costs, max., $300 and costs or both fine and imprisonment. *Special Provisions:* One moiety belongs to informer or prosecutor. Other moiety belongs to Dominion Government (Indian Department).

20. *Selling Liquor to any Person on Reserve.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 135 (*d*). *Offence:* Selling, bartering, supplying or giving to any person on a reserve for Indians, any intoxicant. *Prosecution:* Summary conviction before two Justices of the Peace, Indian Agent, Police Magistrate, Stipendiary Magistrate, or Judge. *Penalty:* Imprisonment, min., 1 month, max., 6 months; or fine, min. $50 and costs, max., $300 and costs or both fine and imprisonment. *Special Provisions:* One moiety belongs to informer or prosecutor. Other moiety belongs to Dominion Government (Indian Department).

21. *Being Commander of Vessel Whereon Intoxicants are Sold.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 136.

Offence: Commander or person in charge of steamer or boat on which intoxicants have been sold, bartered, exchanged, supplied or given to Indian. *Prosecution:* Summary conviction before two Justices of the Peace, Indian Agent, Police Magistrate, Stipendiary Magistrate, or Judge. *Penalty:* Min., $50 and costs. Max., $300 and costs. Imprisonment, in default of payment, min., 1 month; max., 6 months, with or without hard labour. *Special Provisions:* One moiety belongs to informer or prosecutor. Other moiety belongs to Dominion Government (Indian Department).

22. *Indians Selling Intoxicants to Indians.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 137. *Offence:* Indian making, manufacturing, having in possession or selling, exchanging, bartering, supplying or giving intoxicating liquor to any Indian. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge or Indian Agent. *Penalty:* Imprisonment. Min., 1 month, max., 6 months; or, fine, min., $25, max., $100; or both fine and imprisonment. Exception.—Liquor supplied to sick Indian with sanction of medical man, or minister of religion.

23. *Gambling, Drunkenness, on Reserve.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 139. *Offence:* Person or Indian found gambling, or drunk, or with intoxicants in possession, on reserve. *Prosecution:* Summary conviction. *Penalty:* Imprisonment, 3 months, or fine; min., $10 and costs; max., $50 and costs. *Special Provisions:* One moiety belongs to informer. Other moiety to Dominion Government (Indian Department). Arrest without warrant.

24. *Kegs, Barrels, Boxes or Liquor Contents.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 140. *Offence:* Person or Indian found in possession of kegs, boxes, barrels or receptacles for liquor, on Indian reserve. *Prosecution:* Summary conviction. *Penalty:* Min., $50 and costs. Max., $100 and costs. Imprisonment in default. Min., 2 months; max., 6 months, with or without hard labour. *Special Provisions:* Forfeiture and destruction of vessels. Moiety belongs to prosecutor. Other moiety to Dominion Government (Indian Department).

25. *Intoxicants at Indian Council or Meeting.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 143. *Offence:* Person introducing intoxicant at council of meeting of Indians discussing release or surrender of reserve lands, or issuing license; or agent countenancing presence of liquor one week before or one

week after meeting. *Penalty:* $200. Recoverable in Court of competent jurisdiction. *Special Provision:* Moiety to informer. Other moiety to Dominion Government (Indian Department).

26. *Intoxicated Indians.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 144. *Offence:* Indian found in a state of intoxication. *Prosecution:* Summary conviction before one Justice of the Peace. Imprisonment, 1 month or fine in alternative. *Penalty:* Min., $5. Max., $30. *Special Provision:* Arrest without warrant. Trial when sober.

27. *Refusing to State where Liquor was Procured.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 146. *Offence:* Indian convicted of intoxication, refusing to disclose from whom he received liquor. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Additional penalty. Min., $3. Max., $15; or imprisonment, 14 days; or, both fine and imprisonment.

28. *False Information Respecting Indian Lands.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 147. *Offence:* Agent knowingly and falsely informing intending purchaser, as to Indian lands. *Prosecution:* Civil action. Court of competent jurisdiction. *Penalty:* $5 per acre of land intended to be bought where actually offered to purchaser.

29. *Sale of Ammunition to Indians.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 148. *Offence:* Selling, giving, or conveying to Indian in Manitoba, Saskatchewan, Alberta, or North-west Territories fixed ammunition or ball cartridge after public notice prohibiting same. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or Indian Agent. *Penalty:* $200, or imprisonment, in alternative, 6 months; or, both fine and imprisonment.

30. *Dances and Ceremonies on Reserves.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 149 (1)). *Offence:* Indian or other person:—1, Engaging in, or assisting in celebrating or encouraging either directly or indirectly, another to celebrate an Indian Festival, dance or other ceremony of which the giving away or paying or giving back of money, goods or articles of any sort, forms a part, or is a feature whether such gift of money, goods or articles takes place before, at, or after the celebration of the same; *or,* 2, engaging, or assisting in any celebration or dance of which the wounding or mutilation of the dead or living body of any human being or animal forms part. *Prosecution:* On sum-

mary conviction. *Penalty:* Min., 2 months. Max., 6 months. *Special Provision:* This does not prevent the holding of any agricultural show or exhibition or the giving of prizes for exhibits thereat (as amended 1918, ch. 26, sec. 7).

31. *Dances off Reserve.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 149 (2)). *Offences:* Any Indian in the province of Manitoba, Saskatchewan, Alberta, British Columbia, or the Territories, participating in any Indian Dance outside the bounds of his own reserve; *or,* participating in any show, exhibition, performance, stampede or pageant in aboriginal costume without the consent of the Superintendent General of Indian Affairs or his authorized agent; *and,* any person inducing any Indian to leave his reserve or employing any Indian for such a purpose, whether the dance, show, exhibition, stampede or pageant has taken place or not. *Prosecution:* On summary conviction. *Penalties:* $25 or one month or both. (1914, ch. 35, sec. 8).

32. *Violating Regulations and By-laws.—Statute: Indian Act,* R. S. C. 1906, ch. 81, sec. 194 (*l*). *Offence:* Indian violating or disobeying law, rule, or regulation of council as to health, order at elections, intemperance, trespass, school house, roads, watercourses, revenue assessments, etc., taxes. *Prosecution:* Summary conviction. *Penalties:* According to by-law or regulation. Max., $30, except taxes, imprisonment, 30 days. Penalties payable to Treasurer of Band.

33. *Theft of things Deposited on Indian Graves.—See* THEFT 38.

Industrial Disputes—

1. *Failing to Obey Summons.—Statute: Industrial Disputes Investigation Act,* 1907, ch. 20, sec. 36. *Offence:* Failing *to attend* and produce documents at an Industrial Disputes Inquiry after being duly served with summons and tender of reasonable travelling expenses. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $100. *Special Provision:* Liability to penalty can be escaped by proving that there was good and sufficient cause for failure on part of witness. Conviction to be reported to Registrar of Boards of Conciliation, Ottawa.

2. *Contempt.—Statute: Industrial Disputes Investigation Act,* 1907, ch. 20, sec. 37. *Offence:* Wilfully insulting any member of Board of Conciliation, or wilfully interrupting proceedings, or refusing to give evidence. *Prosecution:* Summary

conviction, $100. *Special Provisions:* Power to detain in custody until rising of Board. Conviction to be reported to Registrar of Conciliation Boards, Ottawa.

3. *Obstruction of Officers.—Statute: Industrial Disputes Investigation Act,* 1907, ch. 20, sec. 38. *Offence:* Hindering or obstructing Conciliation Board or any person authorized by them making a view of premises, works or materials in relation to any matter before Board. *Penalty:* $100. Conviction to be reported to Registrar of Conciliation Boards, Ottawa.

4. *Causing Lock-out.—Statute: Industrial Disputes Investigation Act,* 1907, ch. 20, sec. 58. *Offence:* Employer declaring or causing a lock-out contrary to the provisions of the *Industrial Disputes Investigation Act. Penalty:* Min., $100. Max., $1,000 for each day or part of day of lock-out. *Prosecution:* Enforceable on summary conviction under Part XV. Criminal Code. *Special Provisions:* Conviction to be reported to Registrar of Conciliation Boards, Ottawa.

5. *Going on Strike. — Statute: — Industrial Disputes Investigation Act,* 1907, ch. 20, sec. 59. *Offence:* Employee going on strike contrary to the provisions of the *Industrial Disputes Investigation Act. Penalty:* Min., $10. Max., $50 a day for each day out on strike. *Prosecution:* Summary conviction, Part XV., Criminal Code applied. *Special Provisions:* Conviction to be reported to Registrar of Conciliation Boards, Ottawa.

6. *Inciting Lock-out or Strikes.—Statute: Industrial Disputes Investigation Act,* 1907, ch. 20, sec. 60. *Offence:* Inciting, encouraging or aiding, in any manner, any employer, to declare or continue a lock-out, or any employeee to go or continue on strike contrary to provisions of *Industrial Disputes Investigation Act. Penalty:* Min., $50. Max., $1,000. *Prosecution:* Part XV., Criminal Code applied. Summary conviction. Conviction to be reported to Registrar, Conciliation Board, Ottawa.

Information Illegally Obtained or Communicated—

1. *Information Regarding Fortresses, Naval Yards, &c.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 85 (*a*). *Offences:* 1, Any person who, for the purpose of wrongfully obtaining information, entering, or is in any part of a fortress, arsenal, factory, dockyard, camp, ship, office or other like place in Canada belonging to His Majesty in which part he is not entitled to be; *or,* 2, Any person who, for the purpose of wrongfully obtaining information, when lawfully or unlawfully

in any such place as aforesaid, either obtains any document, sketch, plan, model, or knowledge of anything which he is not entitled to obtain, or takes without lawful authority any sketch or plan; *or*, 3, any person who, for the purpose of wrongfully obtaining information, when outside any fortress, arsenal, factory, dockyard or camp in Canada, belonging to His Majesty takes, or attempts to take without authority given by or on behalf of His Majesty, any sketch or plan of that fortress, arsenal, factory, dockyard, or camp. *Prosecution:* On indictment. *Penalty:* 1 year or $100 or both.

2. *Communicating (without Authority) Naval or Military Information.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 85 (*b*). *Offence:* Any person, after having been entrusted in confidence by some officer under His Majesty with any document, sketch, plan, model or information relating to any such place as aforesaid, or to the naval or military affairs of His Majesty, wilfully, and in breach of such confidence communicates the same when, in the interests of the state, it ought not to be communicated. *Prosecution:* On indictment. *Penalty:* 1 year or $100 or both.

3. *Communicating (in Breach of Confidence) Naval or Military Information.—Statute: Criminal Code,* R. S. C. 1906, ch. 146, Part II., sec. 85 (*c*). *Offence:* Any person after being entrusted in confidence by some officer under His Majesty with any document, sketch, plan, model or information, relating to any such place as aforesaid (see previous sub-sections) or to naval or military affairs of His Majesty; wilfully and in breach of such confidence, communicates the same when, in the interests of the state, it ought not to be communicated. *Prosecution:* On indictment. *Penalty:* 1 year or $100, or both.

4. *Communicating (to Improper Persons) Naval or Military Information.—Statute: Criminal Code,* R. S. C. 1906, ch. 146, Part II., sec. 85 (*d*). *Offence:* Any person, having possession of any document, relating to any fortress, arsenal, factory, dockyard, camp, ship, office, or other like place, belonging to His Majesty, or to the naval, or military affairs of His Majesty in whatever manner the same has been obtained or taken, at any time wilfully communicates the same to any person to whom he knows the same ought not, in the interests of the state, to be then communicated. *Prosecution:* On indictment. *Penalty:* 1 year or $100, or both.

5. *Communicating (to a Foreign State) Naval or Military Information.—Statute: Criminal Code,* R. S. C. 1906, ch. 146,

Part II., sec. 85 (2). *Offence:* Any person committing any offence under section 85 (*a*) or 85 (*b*) intending to communicate to a foreign state any information, document, sketch, plan, model, or knowledge obtained or taken by him, or entrusted to him as aforesaid or communicates the same to any agent of a foreign state. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

6. *Communicating Information Acquired in Office.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 86. *Offence:* Any person, who, by means of his holding or having held an office under His Majesty, has lawfully or unlawfully, either obtained possession of or control over any document, sketch, plan or model, or acquired any information, and at any time corruptly or contrary to his official duty, communicates, or attempts to communicate such document, sketch, plan, model or information, to any person, to whom the same ought not, in the interests of the state, or otherwise in the public interest, to be then communicated. *Prosecution:* On indictment. *Penalty:* If communication was made or attempted to be made to a foreign state, to imprisonment for life; and in any other case, imprisonment for one year or $100 fine, or both.

Inland Revenue—

(*a*) GENERAL.

1. *Licensee Neglecting to Post up his License.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 99. *Offence:* Every manufacturer neglecting or refusing to keep the license issued to him under the *Inland Revenue Act,* posted up in a conspicuous place in his manufactory. *Penalty:* $50 for first offence, and $100 for each subsequent offence.

2. *Operating Premises without Giving Notice to Collector of Inland Revenue.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 101. *Offence:* Every distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer, or bonded manufacturer, working his distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, or bonded manufactory, without having given to the collector of Inland Revenue at least 6 days previous notice in writing of his intention to work the same. *Penalty:* Same penalty and forfeiture as if he had worked same without a license (sec. 101).

3. *Unlawfully Using Stamped Packages.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 104. *Offence:* Any

person putting into any package, barrel or cask which had been stamped, marked or branded under the *Indian Revenue Act, any article or commodity subject to excise* on which the duty imposed by the said Act had not been paid or secured or which had not been inspected. *Penalty:* First offence, not less than $100, nor more than $500; subsequent offences $500 (Sec. 104). *Additional Penalty:* For any offence imprisonment not exceeding 3 months can be given in addition to fine (sec. 104).

4. *Failing to Obliterate Inland Revenue Marks.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 105. *Offence:* Every vendor failing to obliterate or effectually deface the label, mark, brand, or seal, on any package, barrel, or cask, as soon as the contents have been removed. *Penalty:* Not exceeding $100.

5. *Stamped Packages Unlawfully in Possession After Use.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 105. *Offence:* Any person having in possession any package, barrel, or cask, labelled, branded, marked or sealed without the marks having been obliterated or defaced immediately after the contents had been removed. *Penalty:* Fine not exceeding $100.

6. *Stamped Packages Unlawfully in Possession Before Use.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 106. *Offence:* Any person bringing, or causing or permitting to be brought into any place licensed under the *Inland Revenue Act* any box, jar, barrel, bag or other package having attached or fixed to it any stamp, mark or brand as evidence of payment of duty or inspection under said Act. *Penalty:* First offence, not less than $100, nor more than $500; each subsequent offence, $500.

7. *Excise Business Operated in a Manner Prohibited by Act.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 107. *Offence:* Being a person carrying on an excise business, neglecting to make proper returns; using apparatus not reported; making changes without notice; making secret internal communications; have pipes or conduits not shown; refusing to admit officer; refuse to allow inspection of stock; deceiving the officers. *Penalty:* First offence, not less than $100 nor more than $500; each subsequent offence, $500. *Further Penalty:* For any offence, first or subsequent, further penalty of $100 for each and every day upon which such offence has been committed (sec. 107).

8. *Licensee Refusing to Make List for Excise Purposes.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 108.

Offence: Any person holding a license refusing to comply with the requisition of any inspector of Inland Revenue after being requested so to do, respecting a new list and description with such models, diagrams, or drawings required by the *Inland Revenue Act* on an application for a license. *Penalty:* Same as for carrying on any business subject to excise without a license.

9. *Refusing to Assist Inland Revenue Officer.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51 sec. 110. *Offence:* Any person refusing or neglecting to aid any officer of Inland Revenue in the execution of any act or duty required by the *Inland Revenue Act. Penalty:* On indictment, fine not exceeding $100 and not less than $50, and imprisonment not less than 3 months nor more than 6 months (sec. 110).

10. *License Neglecting to Keep Stock Books, &c.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 111. *Offence:* Any person carrying on any business subject to excise failing or neglecting to keep stock books or other books required by Act, or regulation, departmental or otherwise, or to make true and correct entries therein; *or,* making any untrue entries, removing leaves of books, defacing entries, refusing to make returns, falsify returns, refuse to produce books. *Penalty:* First offence not less than $50, nor more than $300; each subsequent offence $500, together with a further penalty of double the amount of license fee or duty on goods used in manufacture (sec. 111).

11. *Weights and Measures Used for Excise Purposes before Inspection and Approval. — Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 113. *Offence:* Any person using or causing or permitting to be used, any beams, scales, weights or measures in or about any distillery, malt house, tobacco manufactory, cigar manufactory, brewery, bonded manufactory, or other premises subject to excise, the same not having been tested, inspected, and approved by the proper officer of Inland Revenue. *Penalty:* $100 and a further penalty of $50 for each subsequent day upon which such use is continued.

12. *Breaking or Counterfeiting Inland Revenue Seals.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 114. *Offence:* Any person opening or breaking any lock or seal or other contrivance attached to any apparatus, vessel, pipe, trough, safe, closed spirit receiver, meter, pump, cock, room, warehouse or other apartment used for the security of the Revenue; *or,* counterfeiting any label, stamp, or seal, provided for under the

Inland Revenue Act. Penalty: Offender is guilty of an indictable offence and punishable accordingly.

13. *Commencing Operations without Notice to Inland Revenue Officer.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 120. *Offence:* Being a person licensed under the *Inland Revenue Act,* did commence any operation or use any apparatus in respect of which notice is required by the Act before the time mentioned and use thereof. *Penalty:* $100.

14. *Theft of Things Seized under Inland Revenue Act.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec 121. *Offence:* Any person committing theft by either secretly or openly, and whether with or without force or violence, taking or carrying away any goods, vessel, carriage or other thing, which has been seized or detained on suspicion as forfeited under the *Inland Revenue Act,* the same being removed without the authority of the officer or person who seized the same or other competent authority or without a declaration by competent authority that the goods were not seizable. *Penalty:* Three years' imprisonment.

15. *Refusing or Neglecting in Inland Revenue Matters to Appear and give Evidence.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 122. *Offence:* Any person refusing or neglecting to appear before any Court or Judge, or Justice of the Peace, to give evidence; *or,* refusing or neglecting to give evidence when required before any officer authorized to examine. *Penalty:* $100.

16. *Offences not Otherwise Provided for.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 123. *Offence:* Any person violating any provision of the Act, or neglecting any duty imposed on him by Act for which violation or neglect no penalty is specially provided. *Penalty:* $200.

(*b*) Distilleries.

17. *Illicit Stills.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part III., sec. 180. *Offence:* Person without license distilling or rectifying any spirits or making or fermenting any beer; assisting same; making, or selling or delivering still, worm, rectifier or other apparatus for distilling, setting up or assisting in setting up still, worm or rectifying apparatus; having in possession still, worm, or apparatus, other than a chemical registered still not exceeding three gallons; keeping or concealing on premises still, worm, rectifying apparatus,

etc.; or concealing by removing any such apparatus. *Penalty:* First offence, min., $100; max., $500 and imprisonment with or without hard labour, not less than 1 month, nor exceeding 12 months. Imprisonment in default of payment further term, min., 6 months; max., 12 months. Subsequent offences, $500 and imprisonment with hard labour, min., 6 months; max., 12 months. Imprisonment in default of payment further term equal to that imposed for subsequent offence. Apparatus seized. Further penalty under section 181, double amount of excise duty and license duty which should have been paid under the Act.

18. *Sale of Spirits Unlawfully Manufactured.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 185. *Offence:* Person selling or offering for sale, or purchasing or having in possession spirits knowing them to have been unlawfully manufactured or imported. First offence, Min., $10; max., $50. Subsequent offence, $100. Forfeiture of spirits and vehicles used to remove same.

19. *Unauthorized Label to Packages of Spirits.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 186. *Offence:* Person not authorized under *Trade Mark and Design Act,* attaching label, stamp, or other device not authorized. *Penalty:* First offence, $50; subsequent offence, $100. Additional penalty 50 cents per gallon of contents of bottles illegally stamped.

(*c*) Compounders.

20. *Compounding without License. — Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part IV., sec. 191. *Offence:* Person carrying on business as a compounder without having a license under the *Inland Revenue Act. Penalty:* First offence, $100 or imprisonment not exceeding 6 months. Second and subsequent offences, $250 or 6 months or both. Forfeiture of articles compounded.

21. *Selling Compounded Articles not Properly Labelled.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part IV., sec. 192. *Offence:* Person selling, exposing or offering for sale or removing from manufactory, store or warehouse, compounded articles not labelled or branded as provided by *Inland Revenue Act. Penalty:* First offence, $100 or 6 months. Second and subsequent offences, $250 or 6 months' imprisonment or both. Compounded articles forfeited to Crown.

(*d*) Breweries.

22. *Brewing without License.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part V., sec. 204. *Offence:* Brewing any beer or other fermented liquor without having a license under the *Inland Revenue Act. Exception:* Beer brewed for use of self and family is excepted from this section. *Prosecution:* Indictable. *Penalty:* First offence, $50; subsequent offence, $200. Additional penalty, double excise duty and license duty payable under Act.

23. *Possession of Brewing Apparatus.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51. Part V., sec. 206. *Offence:* Person having in possession brewing apparatus without making return to Inland Revenue authorities as required by *Inland Revenue Act. Penalty:* First offence, min., $50; max., $100. Subsequent offence, $100. Apparatus to be seized and forfeited.

24. *Adding Substances to Malt without Reporting Same.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part V., sec. 207. *Offence:* Brewer adding to malt brought into his brewery any meal, raw grain, or other material, or mixes with worts any syrup, sugar, or saccharine without making entry in books and returns to proper officer. *Penalty:* First offence, $100. Subsequent offences, min., $200; max., $300. Seizure and forfeiture of brewery utensils and malt on conviction for subsequent offences.

(*e*) Malt and Malt Houses.

25. *Malting without License.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VI., sec. 237. *Offence:* Person without license under Act making any malt or steeping any grain or leguminous seeds for malting purposes. *Penalty:* First offence, $100; subsequent offence, $200. Additional penalty, double excise and license duty which should have been paid under Act.

26. *Possessing Malting Appliances. — Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VI., sec. 239. *Offence:* Person having in possession malt flour, malt-kin, malting implement, machinery or apparatus without making return to proper authorities. *Penalty:* First offence, min., $50; max., $100; subsequent offence, $100. Forfeiture of apparatus.

27. *Fraudulently Putting Grain into Cistern.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VI., sec. 240. *Offence:* Maltster adding grain or seeds to wet grain or seeds

in cistern after officer of Inland Revenue has taken account. *Penalty:* First offence, $200; subsequent offences, $500. Seizure and forfeiture of grain and malt in malt-house.

28. *Removing Malt before Account is Taken. — Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VI., sec. 241. *Offence:* Maltster removing malt from malt-house before account has been taken by Inland Revenue Officer, or person receiving or removing any such malt. *Penalty:* First offence, $200; subsequent offences, $500. Seizure and forfeiture of malt illegally removed.

29. *Adding Water without Notice. Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VI., sec. 242. *Offence:* Maltster adding water to grain or leguminous seeds after leaving the steep tub, without having given the notice required under the Act. *Penalty:* First offence, $20; subsequent offence, $50.

30. *Selling Malt Unlawfully Manufactured. — Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VI., sec. 243. *Offence:* Person selling or offering for sale, or purchasing any malt knowing same to have been unlawfully manufactured. *Penalty:* First offence, $50; subsequent offence, $100. Seizure and forfeiture of malt and all vehicles, etc., used for removing same.

31. *Delivering Malt without Proper Authority.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VI., sec. 244. *Offence:* Person removing or delivering or receiving any malt either in bond or duty paid into possession of any person other than a brewer or distiller licensed under Act, except upon written permit of proper officer. *Penalty:* $100.

(*f*) Bonded Manufacturers.

32. *Removing Spirits without Authority.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VII., sec. 263. *Offence:* Person, without specific authority of Department of Inland Revenue, removing or receiving any spirits to be used for any chemical or manufacturing purposes from any bonded manufactory. *Penalty:* First offence, $100; subsequent offences, $500.

33. *Bringing in Articles not Enumerated in Formula.— Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VII., sec. 264. *Offence:* Bonded manufacturer bringing into manufactory, or allowing same to be brought or found there, any article not in formula approved by Department of Inland Revenue. *Penalty:* $200. Seizure and forfeiture of unlawful articles.

34. *Deodorizing Methylated Spirits. — Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VII., sec. 265. *Offence:* Person deodorizing, or clarifying methylated spirits. *Penalty:* First offence, $500; subsequent offences, $1,000.

35. *Using Spirits Containing Methyl Alcohol.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VII., sec. 266. *Offence:* Person using spirits containing methyl alcohol in any form in any pharmaceutical or medical preparation intended for internal use. *Penalty:* $500.

36. *Labelling Methyl Alcohol.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, sec. 266(2). *Offence:* Person violating section 266 (2) of *Inland Revenue Act,* requiring those using methyl alcohol, or spirits containing methyl alcohol in any form, in any pharmaceutical, medicinal or other preparation intended for external use, to affix a label stating the presence of methyl alcohol therein. *Penalty:* Min., $50. Max., $200. (1908, ch. 34, sec. 7).

(*g*) Tobacco and Cigars.

37. *Unlawfully Bringing Raw Leaf Tobacco into Manufactory.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 278. *Offence:* Manufacturer bringing raw leaf tobacco into manufactory by any other than "Raw Leaf Tobacco Entrance"; or, who brings any Canadian or other raw leaf tobacco into a manufactory without reporting it or entering the quantity in stock book. *Penalty* from $200 to $1,000. Forfeiture of all goods subject to excise on premises. (1908, ch. 34, sec. 10).

38. *Cultivating Tobacco without License.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 328A. *Offence:* 1, Person cultivating tobacco without having obtained the license required by section 328A of the *Inland Revenue Act;* and, 2, any person neglecting to pay excise duty under said section 328A. *Prosecution:* On summary conviction. *Penalty:* Min., $50 fine. Max., $200 or two months or both. All tobacco grown to be forfeited to His Majesty. (1918, ch. 28, sec. 2).

39. *Manufacturing Tobacco without License.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 338. *Offence:* Person without license, manufacturing tobacco or cigars; or, sells or barters tobacco manufactured for own use; or, having purchased raw leaf tobacco grown in Canada, sells it in a manufactured state. *Penalty:* First offence, fine, min., $25;

max., $100; subsequent offences, $500. Forfeiture of excisable goods found on premises. Additional penalty: double excise duty and license duty ordinarily payable.

40. *Home Grown Tobacco.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 339. *Offence:* Unlawfully manufacturing without license home grown tobacco grown on own land, for sale; or, into product other than Canada twist; or, in excess of 30 lbs. for each adult male of family on farm where produced. *Penalty:* First offence, min., $25; max., $100; subsequent offence, $500. Seizure by Inland Revenue officer and forfeiture of all excisable goods on premises. Additional penalty, double excise duty and license duty ordinarily payable.

41. *Opening Packages without Breaking Stamp.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 341. *Offence:* Person opening any package containing tobacco or cigars without breaking Inland Revenue stamp; or, having same in possession. *Penalty:* First offence, $25: subsequent offence, $100. Seizure by officer of Customs or excise and forfeited to Crown.

42. *Using Used Packages.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 342. *Offence:* Packing, putting up, or having in possession tobacco or cigars in packages which have been used before for that purpose. *Penalty:* First offence, $10, each box or package: subsequent offence, $50, each box or package.

43. *Loose and Unpacked Foreign Leaf.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 343. *Offence:* Person selling or offering for sale, or having in possession except in licensed manufactory, any loose or unpacked foreign raw leaf tobacco. *Penalty:* First offence, min., $50; max., $200; subsequent offence, $200. Seizure and forfeiture to Crown.

44. *Omitting to Destroy Stamps.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 346. *Offence:* Person neglecting or refusing to destroy stamps on box, bag, wrapper or envelope, etc., containing tobacco or cigars; or, selling or giving away or buying such stamped boxes, etc., or the stamps used on same. *Penalty:* $100 each offence.

45. *Unlawful Use of Stamped Boxes.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 347. *Offence:* Using emptied packages, selling boxes with false stamps, bringing in to manufactory empty stamped boxes or having boxes with

broken stamps. *Penalty:* First offence, min., $100; max., $500 and 3 months' imprisonment; subsequent offences, $500 and 3 months' imprisonment; seizure and forfeiture to Crown of unlawful packages, etc.

46. *Affixing Forged Stamps.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 348. *Offence:* Person affixing to packet containing tobacco or cigars, any false, forged, fraudulent, spurious or counterfeit stamp, or a stamp which has been before used. *Penalty:* Fine, min., $100; max., $500, and additional imprisonment; min., 6 months; max., 5 years.

47. *Unlawful Removal of Tobacco from Manufactory.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 349. *Offence:* Person removing from manufactory tobacco or cigars without being packed and stamped as required by the *Inland Revenue Act. Penalty:* Fine, min., $100, max., $500, and imprisonment for term not less than 3 months nor more than 2 years. Seizure and forfeiture to Crown. *Special Provision:* Absence of stamps to be notice of nonpayment of duty (sec. 350).

48. *Receiving Goods Unlawfully Manufactured.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 351. *Offence:* Person knowingly purchasing or receiving for sale, manufactured tobacco or cigars from manufacturer not duly licensed under *Inland Revenue Act. Penalty:* $200. Forfeiture of articles received or their full value.

49. *Receiving Goods not Stamped and Packed.—Statute. —Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 352. *Offence:* Person purchasing or receiving for sale manufactured tobaccos or cigars not packed or branded and stamped according to law. *Penalty:* $200 each offence. Forfeiture of articles received or full value thereof.

50. *Failing to Post Notice.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 353. *Offence:* Manufacturer neglecting or refusing to post up in conspicuous place in each room or compartment in manufactory the notice required under the *Inland Revenue Act* (Part VIII.). *Penalty:* First offence, $50; subsequent offence, $100.

51. *Not Affixing Caution Labels.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 354. *Offence:* Manufacturer or importer of tobacco or cigars neglecting to have caution labels on packages; or, any person, removing such labels. *Penalty:* $50 for each package.

52. *Unlawful Acts by Manufacturer.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 355. *Offence:*

Bringing raw leaf into manufactory by wrong entrance; or, making false account of tobacco brought in to manufactory. *Penalty:* Min., $200; max., $1,000. Forfeiture of excisable goods. (1908, ch. 34, sec. 26).

53. *Unlawfully Having or Selling Manufactured Tobacco or Cigars.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 356. *Offence:* Person selling or offering for sale, or having in possession when not having a license, any kind of manufactured tobacco or cigars not put up in packages and stamped in accordance with the *Inland Revenue Act. Penalty:* Min. $50; max., $500. Seizure and forfeiture by Inland Revenue officer of all tobaccos and cigars found in violation of this section.

54. *Unlawfully Selling Imported Tobacco and Cigars.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 357. *Offence:* Person selling or offering for sale any imported tobacco or cigars, not put up in packages and stamped as provided by the *Inland Revenue Act. Penalty:* Min., $50; max., $500.

55. *Selling Cigars Unlawfully Packed.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 358. *Offence:* Person selling or offering for sale or delivery or offering to deliver, any cigars in any other form than in new boxes; or, packs in any box cigars in excess of number required for such box; or, falsely branding box; or, affixing stamp to box denoting less duty than required by law. *Penalty:* Min., $50; max., $500.

56. *Cigars Improperly Packed or Branded.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 359. *Offence:* Improperly packing or branding tobacco or cigars in violation of section 359 of the *Inland Revenue Act. Penalty:* Min., $100; max., $500, and imprisonment; min., 3 months; max., 2 years.

57. *Unlawfully Having Sample Box of Cigars.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part VIII., sec. 360. *Offence:* Person having in possession unlawfully any sample box of cigars. *Penalty:* First offence, $50; subsequent offence, $500. Seizure and forfeiture of cigars found unlawfully in possession.

(*h*) Wood Alcohol.

58. *Selling Wood Alcohol without Labelling Bottle.—Statute: Inland Revenue Act,* R. S. C. 1906, ch. 51, Part X., sec. 372 (2). *Offence:* Person holding in possession, selling, exchanging or

delivering any wood alcohol without labelling bottles as required by section 372 (1) of the *Inland Revenue Act. Penalty:* Max., $200; min., $50.

Insects and Pests—

1. *Violating Destructive Insects and Pest Act.—Statute:* The *Destructive Insect and Pest Act,* 1910, ch. 31, sec. 8. *Offence:* Person contravening any provision of the *Destructive Insects and Pest Act,* 1910, ch. 31, or any regulation made thereunder. *Prosecution:* Summary conviction. *Penalty:* $100 or 6 months, or both. Forfeiture of vegetable or other matter imported or brought into Canada contrary to the Act, or to any regulation made thereunder.

Inspection and Sale—

(*a*) GENERAL.

1. *Neglect of Duty—Inspection.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 36. *Offence:* Inspection officer neglecting or refusing to inspect. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $20 over and above damages. Payable to person damaged. *Special Provisions:* Moiety belongs informer or prosecutor. Other moiety belongs to Dominion Government. Limitation, 6 months.

2. *Fraud by Inspectors.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 37. *Offence:* Inspector or deputy inspecting or branding outside district, or lending instruments, or giving certificate without personal inspection, or conniving at any fraudulent evasion of Act. *Prosecution:* Civil suit. *Penalty:* $100. Forfeiture of office. *Special Provisions:* One moiety belongs informer or prosecutor. Other moiety belongs to Dominion Government. Limitation, 6 months.

3. *Inspector Acting as Dealer in Goods.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 38. *Offence:* Inspector dealing, trading or selling articles subject to inspection by him, or, buys (except for consumption by self or family) any such articles. *Prosecution:* Civil suit, inspector. *Penalty:* $200, forfeiture of office. Deputy Inspector, $100, and forfeiture of office. *Special Provisions:* One moiety belongs informer or prosecutor. Other moiety belongs to Dominion Government. Limitation, 6 months.

4. *Fraud by Employee.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 39. *Offence:* Person in employ of

inspector or manufacturer lending marking instruments, or conniving at evasion of Act. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $40. *Special Provisions:* One moiety belongs informer or prosecutor. Other moiety belongs Dominion Government. Limitation, 6 months.

5. *Fraudulent Acts.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, sec. 40. *Offence:* Person altering or effacing marks, counterfeiting marks, altering contents of packages, using old packages, or giving false certificates. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $40. *Special Provisions:* One moiety belongs informer or prosecutor. Other moiety belongs Dominion Government. Limitation, 6 months.

6. *Marking Goods without Authority.—Statute: Inspection and Sales Act,* R. S. C. 1906, ch. 85, sec. 41. *Offence:* Person not an inspector, placing letters "E. R." and words "Canada Inspection" without authority. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $40. *Special Provision:* One moiety belongs informer or prosecutor. Other belongs Dominion Government. Limitation, 6 months.

7. *Assuming Title of Inspector, &c.—Statute: Inspection and Sales Act,* R. S. C. 1906, ch. 85, sec. 42. *Offence:* Person not authorized assuming title of Inspector, issuing bill, certificate or declaration purporting to establish quality of pot ashes, pearl ashes, flour or meal, beef or pork, pickled fish, or fish oil, butter, leather or raw hides. *Prosecution:* Civil suit. *Penalty:* $100. *Special Provisions:* One moiety belongs informer or prosecutor. Other moiety belongs to Dominion Government. Limitation, 6 months.

(*b*) Grain.

8. *Grain Inspection and Sale of Grain is Regulated by the Grain Act, 1914.—See* Grain.

(*c*) Flour and Meal.

9. *Inspectors' Samples.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part III. sec. 169. *Offence:* Inspector neglecting to deliver to person requiring inspection all flour or meal taken from barrel during inspection. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $20. *Special Provisions:* Moiety to informer or prosecutor. Other moiety to Dominion Government. Limitation, 6 months.

10. *Weighing by Inspector.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part III., sec. 170. *Offence:* Inspector neglecting to examine and ascertain weight of flour, meal or feed offered for inspection. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $40. *Special Provisions:* Moiety to informer or prosecutor. Other moiety to Dominion Government. Limitation, 6 months. (Am. 1914, ch. 36, sec. 11).

11. *Branding by Inspector.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part III., sec. 171. *Offence:* Inspector branding or marking otherwise than as required by the Act. *Penalty:* 10 cents for each barrel or half-barrel. *Prosecution:* Court of competent jurisdiction. *Special Provisions:* Moiety to informer or prosecutor. Other moiety to Dominion Government. Limitation, 6 months.

12. *Labelling Barrels.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part III., sec. 172. *Offence:* Manufacturer or packer neglecting to brand, paint or mark barrel as required by Act before sale or inspection. *Penalty:* 10 cents each barrel or half-barrel. Penalty payable to inspector before delivery of flour or meal. *Prosecution:* Court of competent jurisdiction. *Special Provisions:* One moiety to informer or prosecutor. Other moiety to Dominion Government. Limitation, 6 months. (Am. 1914, ch. 36, sec. 12).

13. *Undermarking Tare.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part III., sec. 173. *Offence:* Manufacturer or packer undermarking tare on any barrel or half-barrel, or puts in less quantity than is branded thereon. *Penalty:* 10 cents per barrel or half-barrel, undermarked or deficient. *Prosecution:* Court of competent jurisdiction. *Special Provisions:* Moiety to informer or prosecutor. Other moiety to Dominion Government. (Am. 1914, ch. 36, sec. 13).

14. *Unauthorized Casks.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part III., sec. 174. *Offence:* Offering for sale or exporting any cask of flour in violation of the Act. *Penalty:* 2 cents each such cask. *Prosecution:* Court of competent jurisdiction. *Special Provisions:* Moiety to informer or prosecutor. Other moiety to Dominion Government. Limitation, 6 months.

15. *Deficiency in Weight.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part III., sec. 175. *Offence:* Knowingly offering for sale any barrel or half-barrel of flour or meal

with less quantity than is branded thereon. *Penalty:* $1 for every deficient barrel or half-barrel. *Prosecution:* Court of competent jurisdiction. *Special Provisions:* One moiety belongs to informer or prosecutor. Other moiety belongs to Dominion Government. (Am. 1914, ch. 36, sec. 14).

16. *Selling Flour in Bags not Properly Marked.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part III., sec. 175A. *Offence:* Any person selling, offering for sale, having in possession for sale, any bag, sack or similar package of flour, meal, rolled oats, rolled wheat or feed, not marked in accordance with section 164A of the *Inspection and Sale Act,* R. S. C. 1906. *Prosecution:* On summary conviction. *Penalty:* $1 for every bag, sack or package, not properly marked. (1914, ch. 36, sec. 15).

17. *Foreign Matter in Flour.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part III., sec. 176. *Offence:* Wilfully mixing or blending flour or meal, for sale or export with any foreign substance. *Prosecution:* Civil action. *Penalty:* $100. Forfeiture of flour to municipal corporation. *Special Provisions:* Limitation of Action, 1 month.

(*d*) Beef and Pork.

18. *Exporting Meat not Marked.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part IV., sec. 199. *Offence:* Person exporting beef or pork not marked and not packed in barrels or half-barrels, tierces or half-tierces as described by Act. *Penalty:* $1 each barrel, &c. *Prosecution:* Court of competent jurisdiction. Moiety to informer or prosecutor. Other moiety to Dominion Government. Limitation, 6 months.

19. *Branding.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part IV., sec. 200. *Offence:* Violating any of the provisions relating to branding of packages containing beef or pork. *Prosecution:* Civil suit. *Penalty:* $80 each package. *Special Provisions:* One moiety to informer or prosecutor. Other moiety to Dominion Government. Limitation, 6 months.

20. *False Inspection.—Statute: Inspection and Sale Act,* R. S. C. ch. 85, Part IV., sec. 201. *Offence:* Person, not authorized, inspecting or giving certificate. *Penalty:* $40 each package. *Prosecution:* Court of competent jurisdiction. *Special Provisions:* One moiety belongs to informer or prosecutor. Other moiety to Dominion Government. Limitation, 6 months.

21. *Owner's Name.—Statute: Inspection and Sale Act,*

R. S. C. 1906, ch. 85, Part IV., sec. 201 (2). *Offence:* Owner branding package of beef or pork, without affixing surname and initial of christian name, date of branding and word "owner." *Penalty:* $40 each package. *Prosecution:* Court of competent jurisdiction. *Special Provisions:* One moiety to informer or prosecutor. Other moiety to Dominion Government. Limitation, 6 months.

22. *Exposure to Sun.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part IV., sec. 202. *Offence:* Inspector suffering beef or pork left in his charge after it has been inspected, to be exposed to the heat of the sun, or inclemency of the weather longer than six days. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $40. *Special Provisions:* One moiety belongs to informer or prosecutor. Other moiety belongs to Dominion Government. Limitation, 6 months.

23. *Suitable Store.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part IV., sec. 203. *Offence:* Inspector neglecting to provide suitable store in convenient situation after appointment as inspector. *Penalty:* $4 per day during neglect. *Prosecution:* Court of competent jurisdiction. *Special Provisions:* One moiety belongs to informer or prosecutor. Other moiety belongs to Dominion Government. Limitation 6 months.

24. *Inspector Neglecting to Keep Books.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part V., sec. 222. *Offence:* Inspector neglecting or refusing to keep proper books required by Act to be kept by him, or to make returns or entries. *Prosecution:* Civil suit. *Penalty:* $80. Dismissal from office. *Special Provisions:* Moiety to informer or prosecutor. Other moiety to Dominion Government. Limitation, 6 months.

25. *Unlawfully Stamping.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part V., sec. 223. *Offence:* Person without authority stamping or numbering rawhides, harness leather, calf, kip, red leather, or moccasin leather, or leather sold by superficial or by weight and exposes same for sale. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $20. *Special Provisions:* Moiety to informer or prosecutor. Other moiety belongs to the Dominion Government. Exception.—Person may make weight, with chalk, on leather. Limitation, 6 months.

26. *Neglect by Inspector.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part VI., sec. 234. *Offence:* Inspector or deputy permitting cooper to retain ashes, or, brands barrels

otherwise than as provided in Act; or, dates weigh note or bill of inspection with a date other than that of inspection; or, delivers weigh note or bill without date on it; or, does not conform to Act. *Prosecution:* Civil suit. *Penalty:* $400. Disqualification of officer. *Special Provisions:* Moiety belongs to informer or prosecutor. Other moiety belongs to Dominion Government. Limitation, 6 months.

27. *False Inspection Bill.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part VI., sec. 235. *Offence:* Inspector, deputy, clerk, or other person making false or fraudulent inspection bill of ashes. *Prosecution:* Indictment. *Penalty:* 7 years.

28. *Neglect to Provide Storage.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part VI., sec. 236. *Offence:* Inspector neglecting to provide himself with suitable premises for storage, in a dry place. *Penalty:* $2 for every barrel in addition to damages. *Prosecution:* Court of competent jurisdiction. *Special Provisions:* Moiety belongs to informer. Other moiety to Dominion Government. Limitation, 6 months.

29. *Uninspected Ashes.—Statute: Inspection and Sale Act,* R. S. C. 1906 ch. 85, Part VI., sec. 237. *Offence:* Exporting any pot or pearl ashes not inspected, not branded or marked or falsely marked. *Prosecution:* Summary jurisdiction before two Justices of the Peace. *Penalty:* $20. *Special Provisions:* Moiety to informant. Other moiety to Dominion Government. Limitation, 6 months.

(*e*) Fish and Fish Oils.

30. *Fish and Fish Oils.*—The sections dealing with the Inspection and Sale of Fish and Fish Oils, are repealed, except in so far as they relate to inspection of fish oils. See Fish Inspection Act. (1914, ch. 45, sec. 30).

(*f*) Dairy Products.

31. *Dairy Products.*—The *Dairy Industry Act,* 1914, ch. 7, now regulates the inspection and sale of dairy products..—*See* Dairies and Creameries.

(*g*) Fruit.

32. *Violating Fruit Packing Regulations.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part IX., sec. 320A.

Offence: Person violating any regulation made under the provisions of section 320A of the *Inspection and Sale Act,* R. S. C. 1906, ch. 85. *Prosecution:* Summary conviction. *Penalty:* Fine not exceeding $50 and costs. Imprisonment in default of payment, 1 month. (1918, ch. 29, sec. 1).

33. *False Marking of Fruit.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part IX.. sec. 328. *Offence:* Person, by himself or through the agency of any other person, violating any of the provisions of sections 320 and 321 of the *Inspection and Sale Act,* respecting the marking of fruit. *Prosecution:* On summary conviction. *Penalty:* First offence, min., $10 and costs; max., $25 and costs; second offence, min., $25 and costs; max., $50 and costs; 3rd and subsequent, min., $50 and costs; max., $200 and costs. Imprisonment in default, 1 month. Additional penalty, where shipment of 50 boxes or more: First offence, 25 cents for each package in excess of 50; second offence, 50 cents each package, in excess of 50; third and subsequent, $1 for each package in excess of 50. (1918, ch. 29, sec. 1).

34. *Obliterating Inspection Marks. — Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part IX., sec. 329. *Offence:* Person, not an inspector, wilfully altering, effacing or obliterating wholly or partially or causes to be altered, effaced or obliterated, any marks on any package which has undergone inspection. *Prosecution:* On summary conviction. *Penalty:* Not exceeding $50. (1918, ch. 29, sec. 1).

35. *Packing Fruit.—Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part IX., sec. 330. *Offence:* Person violating sections 325 and 326 *Inspection and Sale Act,* respecting packing of fruit. Summary conviction. *Penalty:* 25 cents for each box respecting which there is a violation of the Act. Imprisonment in default of payment, 1 month with or without hard labour. A moiety of fine belongs informant. Other moiety payable to Dominion Government. Limitation of Action, 6 months. Appeal within ten days of conviction. (1908, ch. 35, sec. 11).

36. *Destroying or Pilfering Fruit.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part IX., sec. 331. *Offence:* Person carelessly handling, wilfully destroying or pilfering any fruit packed in any of the packages described in Part IX. of the *Inspection and Sale Act,* R. S. C. 1906, ch. 85. *Prosecution:* On summary conviction. *Penalty:* Not exceeding $25. (1918, ch. 29, sec. 1).

37. *Obstructing Officers.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part IX., sec. 332. *Offence:* 1, Person obstructing any person charged with the enforcement of Part IX. of the *Inspection and Sale Act,* R. S. C. 1906, in entering any premises, to make examination of packages of fruit; *or,* 2, refusing to permit the making of any such examination. *Prosecution:* On summary conviction. *Penalty:* Min., $25 and costs; max., $500 and costs, and in default 6 months' imprisonment. (1918, ch. 29, sec. 1).

38. *Regulations.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part IX., sec. 333B. Regulations may be passed by the Governor-in-Council under this Part IX. and penalties imposed not exceeding $30. Violation of regulations to be an offence under the Act. (1908, ch. 35, sec. 12).

(*h*) Hay and Straw.

39. *Putting Foreign Matter in Bale of Hay.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part IX., sec. 342 (1). *Offence:* Person putting any foreign matter into any bale of hay intended for sale, which improperly increases its weight, or which prejudicially affects the quality of the bale. *Prosecution:* On summary conviction. *Penalty:* First offence, $40; subsequent offences, $100. (1918, ch. 30, sec. 1).

40. *Putting Foreign Matter in Bale of Straw.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part IX., sec. 342 (2). *Offence:* Person putting any foreign matter into any bale of straw intended for sale, which improperly increases the weight, or which prejudicially affects the quality of the bale of straw. *Prosecution:* On summary conviction. *Penalty:* Not exceeding $25. (1918, ch. 30, sec. 1).

(*i*) Binder Twine.

41. *Regulating Sale of Unlabelled Binder Twine.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part X., sec. 347. *Offence:* Violating regulations made by the Minister of Trade and Commerce for preventing sale or use in Canada of unlabelled binder twine manufactured for export only. *Prosecution:* On summary conviction. *Penalty:* First offence, $50; subsequent offence, $100. (1914, ch. 10, sec. 1).

42. *Selling Export Binder Twine in Canada. — Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part X., sec. 350.

Offence: Falsely representing binder twine found in possession as manufactured for export; or, selling or offering for consumption in Canada any such binder twine. *Penalty:* $1,000. Penalties payable to Dominion Government. No moiety payable to inspector or other person. (Amended 1907, ch. 21, sec. 4).

43. *Selling Twine with Dealers' Name Omitted.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part X., sec. 351. *Offence:* Selling, offering for sale or having in possession for sale, ball of binder twine not labelled with name of dealer. *Penalty:* Min., 25 cents each ball; max., $1 each ball. Confiscation. No moiety payable to inspector or other person. (Amended 1907, ch. 21, sec. 4).

44. *Selling Twine without Number of Feet Shown on Label. —Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part X., sec. 352. *Offence:* Offering for sale or having in possession ball of binder twine not labelled with number of feet of twine per pound in ball. *Penalty:* Min., $1 each ball; max., $5 each ball. Confiscation. Triable before one magistrate. (Amended 1907, ch. 21, sec. 2). No moiety payable to inspector or other person. (Amended 1907, ch. 21, sec. 4).

45. *Obstructing Binder Twine Inspector.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part X., sec. 354. *Offence:* Obstructing inspector of binder twine. *Penalty:* Min., $25 and costs; max., $500 and costs. Imprisonment, in default, 6 months with or without hard labour. *Special Provisions:* A moiety belongs to informant or prosecutor. Other moiety to Dominion Government. Limitation of Action, 6 months. No moiety payable to an inspector or other person. Penalties belong to Dominion Government. (Amended 1907, ch. 21, sec. 4).

(*j*) Salt and Potatoes.

67. *Neglect to Comply with Law as to Salt.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part X., sec. 355. *Offence:* Neglecting to comply with any provision of Part X. of the *Inspection and Sale Act* respecting salt; or selling or offering for sale any salt in contravention of such provisions. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $10. *Special Provisions:* A moiety belongs to informant. Other moiety to Dominion Government. Limitation of Action, 20 days after delivery of package of salt.

68. *Selling Vegetables under Weight.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part X., sec. 356. *Offence:*

Person selling or offering for sale by the bag any of the vegetables mentioned in sub-section 2 of section 337 of the *Inspection and Sale Act,* R. S. C. 1906, under the weight therein set forth. *Prosecution:* On summary conviction. *Penalties:* First offence, $25; subsequent offences, $50. (1914, ch. 36, sec. 19).

69. *Weight of Bushel.—Statute: Inspection and Sale Act,* R. S. C. 1906, ch. 85, Part X., sec. 357. *Offence:* Violating any provision of Part X. of the *Inspection and Sale Act,* respecting bushel quantities. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* First offence, $25; subsequent offences, $50.

(*k*) PETROLEUM AND NAPHTHA.

70. *Keeping, Removing, Storing and Refining of Petroleum and Naphtha.—See* PETROLEUM AND NAPHTHA 1-7.

Insurance—

(*a*) ILLEGAL BUSINESS.

1. *Soliciting or Carrying on Business or Unlicensed Insurance Company.—Statute:* Criminal Code, sec. 508C. *Offence:* Any person, who, within Canada (except on behalf of, or as agent for a company, thereunto duly licensed by the Minister of Finance, or on behalf of or as agent for, or as a member of an association of individuals, formed upon the plan known as Lloyds, or of an association of persons formed for the purpose of inter-insurance, and so licensed) solicits or accepts any insurance risk, or issues or delivers, any interim receipt or policy of insurance or grants in consideration of any premium or payment, any annuity, on a life or lives, or collects, or receives any premium for any insurance, or carries on any business of insurance, or inspects any risk, or adjusts any loss, or prosecutes or maintains any suit, action or proceeding, or files any claim in insolvency relating to such business or receives directly or indirectly any remuneration for doing any of the aforesaid acts not being within the permitted business of section 507 (4). *Prosecution:* On indictment. *Penalty:* First offence, min., $20; max., $50, imprisonment in default not less than 1 month nor more than 3 months; second and subsequent, min., $50; max., $100 and imprisonment in addition, not less than 3 months nor more than 6 months. Limitation of Action, 1 year. *Disposition of Penalty:* Half to informer and half to His Majesty.

2. *Discrimination, Entering into Agreement outside Terms of Policy, Rebating Premiums, or Offering Stocks or Bonds as*

Inducements.—Statute: Criminal Code, sec. 508D. *Offence:* Any insurance company, or any officer, agent or representative thereof violating section 508D of the Criminal Code respecting discrimination, agreements outside terms of policy, rebating premiums, or the offering of stocks or bonds as inducements for insurance. *Prosecution:* On summary conviction or Court of competent jurisdiction. *Penalty:* First offence, double amount of annual premium with a minimum of $100; second or subsequent offences, double amount of premium with a minimum of $250. *Disposition of Penalties:* Half to informant, or person suing. Other half to His Majesty.

3. *Person Accepting Rebates on Insurance Premiums.—Statute:* Criminal Code, sec. 508D. *Offence:* Any person knowingly receiving as an inducement to insure, any rebate of premium, or any special favour, advantage or inducement to insure. *Prosecution:* On summary conviction or in Court of competent jurisdiction. *Penalty:* First offence, double amount of annual premium with a fixed minimum of $100; second or subsequent offences, double amount of premium with a minimum of $250. *Disposition of Penalties:* Half to informant or person suing. Other half to His Majesty.

4. *Directors and Officers of Insurance Company Consenting to Violations of Section 508D of Criminal Code.—Statute:* Criminal Code, sec. 508D (2). *Offence:* Any director, manager, or other officer of any insurance company knowingly consenting to or permitting the violation of any of the provisions of section 508D of the Criminal Code by any agent, officer, employee, or servant of the company. *Prosecution:* On summary conviction or in Court of competent jurisdiction. *Penalty:* $500. *Disposition of Penalty:* Half to person suing or informant. Other half to His Majesty.

(c) Management and Control.

5. *Failing to Deposit Annual Return with Insurance Department.—Statute: Insurance Act,* 1917, ch. 29, sec. 70. *Offence:* Every insurance company to which the *Insurance Act,* 1917, applies, making default in depositing in the Department of Insurance the annual and other statements by said Act required to be deposited. *Prosecution:* Civil suit at institution of Attorney-General of Canada. *Penalty:* $10 a day during default. *Special Provision:* Penalties recovered are to be applied towards expenses of Insurance Department.

6. *Agent Rebating Premiums on Life Policies.—Statute: Insurance Act,* 1917, ch. 29, Part II., sec. 84 (1). *Offence:* Any person violating the provisions of section 83 of the *Insurance Act,* 1917, respecting rebating premiums on policies or discrimination between policy holders. *Prosecution:* Civil Court. *Penalty:* First offence, double amount of annual premium with a min. of $100; second offence, double amount of annual premium with a penalty of $250. *Special Provisions:* One-half penalty goes to person suing. Other half goes towards payment of Department of Insurance expenses.

7. *Officer of Company Permitting Rebate of Premiums on Life Policies.—Statute: Insurance Act,* 1917, ch. 29, Part II., sec. 84 (2). *Offence:* Director or manager or other officer of life insurance company licensed under the *Insurance Act,* 1917, to carry on business of life insurance, violating or knowingly consenting to or permitting violations of section 83 as to rebating premiums or discriminating between policy holders. *Prosecution:* Civil Court. *Penalty:* $500. *Special Provisions:* One-half penalty goes to person suing. Other half goes towards payment of expenses of Department of Insurance.

8. *Agent Rebating Premiums on Fire Insurance Policies.—Statute: Insurance Act,* 1917, ch. 29, Part III., sec. 128 (1). *Offence:* Person violating the provisions of section 127 of the *Insurance Act,* 1917, respecting rebating premiums on fire insurance policies. *Prosecution:* Civil suit. *Penalty:* First offence, double amount of premium with minimum of $100; second and subsequent offence, double amount of premium with maximum of $250. *Special Provisions:* One-half penalty payable to person suing, and other half is payable to Insurance Department.

9. *Officer Permitting Rebate of Premiums on Fire Insurance Policies.—Statute: Insurance Act,* 1917, ch. 29, Part III., sec. 128 (2). *Offence:* Director, manager or other officer of any fire insurance company licensed under the *Insurance Act,* 1917, violating or knowingly consenting to or permitting the violation of section 127 of the said Act respecting rebating premiums on fire insurance policies. *Prosecution:* Civil suit. *Penalty:* $500. *Special Provision:* One-half penalty is payable to person suing and other half is to be applied toward expenses of Insurance Department.

10. *Failing to make Return of Fire Insurance in Unlicensed Company.—Statute: Insurance Act,* 1917, ch. 29, sec. 129 (4).

Offence: Person failing to make returns required by section 129 of the *Insurance Act*, 1917, with respect to insurance in unlicensed companies. *Prosecution:* Civil suit at institution of Attorney-General of Canada. *Penalty:* $10 a day during default. *Special Provisions:* Penalties when recovered are to be applied towards expenses of Insurance Department.

11. *Making False Entries in Books of Insurance Company under Part V. of the Insurance Act.—Statute: Insurance Act*, 1917, ch. 29, sec. 152. *Offence:* 1, Director, officer, or servant of insurance company incorporated by Act of Parliament, knowingly making or assisting in making any untrue entry in any book required by Part V. of the *Insurance Act*, 1917, to be kept by such company; 2, refusing or wilfully neglecting to make any proper entry in any such book, or to exhibit same, or to allow same to be inspected and extracts taken therefrom. *Prosecution:* On indictment. *Penalty:* 2 years.

12. *Neglecting to Permit Inspection of Books of Insurance Company under Part V. of Insurance Act.—Statute: Insurance Act*, 1917, ch. 29, sec. 153. *Offence:* Company neglecting to keep open for inspection as required by Part V. of the *Insurance Act*, any book or books required by said Part V. to be kept by company. *Prosecution:* None. *Penalty:* Forfeiture of corporate rights.

13. *Offences not Otherwise Provided for under Insurance Act, 1917.—Statute: Insurance Act*, 1917, ch. 29, sec. 181 (1). *Offence:* Any company to which the *Insurance Act*, 1917, applies, or any person, doing, causing, or permitting to be done any matter, act or thing contrary to any provision of the *Insurance Act*, 1917, or to the orders or directions of the Governor-in-Council, or of the Minister or of the Superintendent, made under said Act; *or*, omitting to do any matter, act or thing by this Act required to be done by or on the part of such company or person for which no other penalty is specially provided. *Prosecution:* Civil suit at institution of Attorney-General of Canada. *Penalty:* Min., $20; max., $5,000 in discretion of Court. *Special Provision:* Penalties when recovered to be applied towards expenses of Insurance Department.

14. *Neglecting to Transmit Returns under War Revenue Act, 1915.—See* WAR 4.

15. *Officials Making False or Deceptive Statements in Returns under War Revenue Act.—See* WAR 5

16. *Officials Negligently Signing False Returns under War Revenue Act.—See* WAR 6.

Intimidation—

1. *Intimidation by Violence or Threats to Compel Doing of an Act.—Statute:* Criminal Code, sec. 501. *Offence:* Any person, wrongfully and without lawful authority, with a view to compel any other person to abstain from doing anything which he has a lawful right to do or to do anything from which he has a lawful right to abstain. 1, Uses violence to such other person, or his wife or children, or injures his property; 2, intimidates such other person or his wife or children, by threats of using violence to him, her or any of them, or of injuring his property; 3, persistently follows such other person about from place to place; 4, hides any tools, clothes, or other property owned or used by such other person or deprives him or hinders him in the use thereof; 5, with one or more other persons, follows such other person, in a disorderly manner, in or through any street, or road; 6, besets or watches the house or other place, where such other person resides or works or carries on business or happens to be. *Prosecution:* On indictment or on summary conviction before two Justices of the Peace. *Penalty:* Fine not exceeding $100 or 3 months with or without hard labour.

2. *Intimidation to Prevent Working at any Trade.—Statute:* Criminal Code, sec. 502. *Offence:* Any person in pursuance of any unlawful combination or conspiracy to raise rate of wages, or of any unlawful combination or conspiracy respecting any trade, business, or manufacture or respecting any person concerned or employed therein, unlawfully assaults any person, or in pursuance of any such combination or conspiracy, uses any violence or threat of violence to any person with intent to hinder him from working or being employed at such trade, business or manufacture. *Prosecution:* On indictment. *Penalty:* 2 years.

3. *Intimidation to Prevent Distribution of Food Stuffs.—Statute:* Criminal Code, sec. 503. *Offence:* Any person:—1, Beating or using any violence or threat of violence to any person with intent to deter or hinder him from buying, selling or otherwise disposing of any wheat, or other grain, flour, meal, malt or potatoes, or other produce or goods, in any market or other place; 2, beating or using any such violence or threat to any person having the charge or care of any wheat or other grain, flour, meal, malt or potatoes, while on the way to or from any city, market, town, or other place, with intent to stop the convey-

ance of same; 3, by force or threats of violence, or by any form of intimidation, whatsoever, hinders, or prevents or attempts to hinder or prevent any seaman, stevedore, ship carpenter, ship labourer, or other person employed to work at or on board any ship, or vessel, or to do any work connected with the loading or unloading thereof, from working at or exercising any lawful trade, business, calling or occupation, in or for which he is so employed, or with intent so to hinder or prevent, besets, or watches, such ship, vessel, or employee; 4, beating or using any violence to or making any threat of violence against any such person with intent to hinder or prevent him from working at or exercising such trade, business, calling or occupation, or on account of his having worked at or exercised the same. *Prosecution:* On indictment or on summary conviction before two Justices of the Peace. *Penalty:* Fine not exceeding $100 or 3 months with or without hard labour.

4. *Intimidation to Prevent Bidding on Public Lands.—Statute:* Criminal Code, sec. 504. *Offence:* Any person before, or at the time of the public sale of any Indian lands, or public lands of Canada or of any province of Canada, by intimidation, or illegal combination, hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any lands so offered for sale. *Prosecution:* On indictment. *Penalty:* Fine not exceeding $400 or 2 years, or both.

Intoxicating Liquors—

(*a*) Liquor on H.M. Ships.

1. *Taking Liquor on Board H.M. Ships or Gives or Sells Same on Board.—Statute:* Criminal Code, Part II., sec. 141. *Offence:* Any person who, without the previous consent of the officer commanding the ship or vessel:—(*a*) Conveys any intoxicating liquor on board any of His Majesty's ships or vessels; or (*b*) approaches or hovers about any of H.M. ships or vessels for the purpose of conveying any such liquor on board, or (*c*) gives or sells to any man in His Majesty's Service, on board any such vessel or vessels, any intoxicating liquor. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* $50 fine and in default of payment 1 month's imprisonment with or without hard labour.

(*b*) Near Public Works.

2. *Sale of Liquor Prohibited.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 151. *Offence:* Any person who by

himself, his clerk, servant, agent or other person, violates any of the provisions of section 150 of the Criminal Code of Canada; *i.e.*, sells, barters, or directly or indirectly for any matter, thing, profit or reward, exchanges, supplies or disposes of or gives to any person any intoxicating liquor, or exposes, keeps or has in his possession any intoxicating liquor intended to be dealt with in any such way in prohibited area. Part III. Criminal Code. *Prosecution:* On summary conviction. *Penalty:* First offence, $200 and costs, and in default of payment 3 months' imprisonment; subsequent offences,.$300 and costs or 6 months or both, and in default of payment of penalty to additional 3 months' imprisonment with or without hard labour.

(*c*) Inter-Provincial Traffic.

3. *Sending Liquor from one Province to Another.—Statute: Act to Aid Provincial Legislation,* 1916, ch. 19, sec. 1 (*a*). *Offence:* Any person by himself, his clerk, servant or agent, and any person, as clerk, servant or agent, officer or employee of any other person, or of any government railway or steamship, whether dominion or provincial, sending, shipping, taking, bringing or carrying or causing to be sent, shipped, taken, brought or carried to or into any province from or out of any other province; or, import into any province from any place outside into any province from any place outside Canada any intoxicating liquor, knowing or intending that such intoxicating liquor will or shall be thereafter dealt with in violation of the law of the province into which such intoxicating liquor is sent, shipped, taken, brought, carried or imported. *Prosecution:* Summary conviction. *Penalties:* First offence, min., $100; max., $200 or 2 months with or without hard labour; second offence, min., $200; max. $400 or 4 months with or without hard labour; third offence, min., 6 months; max., 12 months with or without hard labor. Forfeiture of liquor.

4. *Selling Liquor to be Sent to Another Province in Violation of Provincial Law.—Statute: Act to Aid Provincial Prohibition Legislation,* 1916, ch. 19, sec. 1 (*b*). *Offence:* Any person by himself, his clerk, servant or agent, and any person who as clerk, servant or agent, officer or employee of any other person, or of any government railway or steamship, Dominion or Provincial, selling or causing to be sold any intoxicating liquor, knowing or intending that such intoxicating liquor will be sent, shipped, taken, brought, or carried into any province, from any other

province, or from any place outside Canada, and thereafter dealt with in violation of the law of the province into which such intoxicating liquor is sent, shipped, taken, brought, carried or imported. *Prosecution:* On summary conviction. *Penalties:* First offence, min., $100; max., $200 or 2 months with or without hard labour; second offence, min., $200; max., $400 or 4 months with or without hard labour; third offence, min., 6 months; max., 12 months with or without hard labour. Forfeiture of liquor.

5. *Sending Packages of Liquor not Marked in Accordance with Act.—Statute: An Act to Aid Provincial Prohibition Legislation,* 1916, ch. 19, sec. 3 (*a*). *Offence:* Any person sending or shipping by any public conveyance to any place in which the sale of intoxicating liquor for beverage purposes is prohibited, any package containing intoxicating liquor not plainly labelled so as to show the actual contents of such package and the name and address of the consignor thereof. *Prosecution:* On summary conviction. *Penalties:* Min., $50; max., $200, or 6 months or both. (Am. 1917, ch. 30, sec. 1).

6. *Sending Liquor with Fictitious Address.—Statute: Act to Aid Provincial Legislation,* 1916, ch. 19, sec. 3 (*b*). *Offence:* Any person sending or shipping by any public conveyance any package containing intoxicating liquor addressed to a fictitious person or addressed otherwise than to the actual consignee of such package. *Prosecution:* On summary conviction. *Penalties:* Min., $50; max., $200 or 6 months or both.

7. *Receiving or Carrying Liquor Packages having Fictitious Address.—Statute: Act to Aid Provincial Prohibition Legislation,* 1916, ch. 19, sec. 3(*c*). *Offence:* Common carrier or the servant or agent of a common carrier or of any government railway, or steamship, whether Dominion or Provincial, knowingly receiving for conveyance, carries, or makes delivery of any package containing intoxicating liquor addressed to a fictitious person or address otherwise than to the actual consignee. *Prosecution:* On summary conviction. *Penalties:* Min., $50; max., $200, or 6 months or both.

8. *Taking Delivery of Package of Liquor Fictitiously Addressed.—Statute: Act to Aid Provincial Prohibition Legislation,* sec. 3 (*d*). *Offence:* Any person knowingly takes delivery from any common carrier of any package containing intoxicating liquor addressed to a fictitious person or addressed otherwise than to the actual consignee of such package. *Prosecution:* On

summary conviction. *Penalties:* Min., $50; max., $200, or 6 months or both.

(*d*) Local Option.

9. *Voters' Lists.—Statute:* The *Canada Temperance Act,* R. S. C. 1906, ch. 106, sec. 82. *Offence:* Refusing to furnish voters' lists to returning officer. *Prosecution:* Civil action. *Penalty:* Min., $200; max., $2,000. Limitation of Action, 6 months. *Special Provisions:* Security for costs before prosecution.

10. *Ballot Papers.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 106, Part I., sec. 83. *Offence:* Taking ballot paper out of polling station. *Prosecution:* Civil action. Court of competent jurisdiction. *Penalty:* Min., $50; max., $200. *Special Provisions:* Security for costs before prosecution. Limitation of Action, 6 months.

11. *Secrecy.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 106, Part I., sec. 84. *Offence:* Officer or agent violating secrecy, communicating information, interfering with voter, or giving information as to voting. *Prosecution:* Court of competent jurisdiction. *Penalty:* $200, imprisonment in default, 6 months with or without hard labour. *Special Provisions:* Limitation of action, 6 months.

12. *Voters.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 106, Part I., sec. 85. *Offence:* Inducing voter to display ballot, or interfering with voter. *Prosecution:* Court of competent jurisdiction. *Penalty:* $200, in default imprisonment 6 months with or without hard labour. *Special Provisions:* Limitation of Action, 6 months.

13. *Offensive Weapons.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 106, Part I., sec. 86. *Offence:* Refusing to deliver up offensive weapon to returning officer on polling day. *Prosecution:* Court of competent jurisdiction. *Penalty:* $100, in default 3 months' imprisonment. *Special Provisions:* Limitation of Action, 6 months.

14. *Intoxicating Liquors.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 87. *Offence:* Selling or giving any intoxicating liquor on polling day. *Prosecution:* Court of competent jurisdiction. *Penalty:* $100. Imprisonment in default, 6 months. *Special Provisions:* Limitation of Action, 6 months.

15. *Assault and Battery.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 88. *Offence:* Committing an assault

and battery within two miles of poll. *Prosecution:* Constitute offence of aggravated assault and punishable under Criminal Code as such.

16. *Election Day Offences.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 89. *Offence:* Providing drink, paying for drink, furnishing party flags, carrying party flag, entering polling district armed, approaching polling district armed. *Prosecution:* Indictable. *Penalty:* $100 or imprisonment not exceeding 3 months or both, fine and imprisonment. *Special Provision:* Limitation of Action, 6 months.

17. *Bribery and Corruption.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 90. *Offence:* Giving, lending, or promising money, procuring office or employment, gifts or promises to induce or prevent operation of prohibition law, corrupt agreement to procure or prevent adoption of petition, paying money to be used in bribery. *Prosecution:* Indictable as bribery. Additional penalty of $200 recoverable by suit in civil court. *Special Provisions:* Limitation of Action, 6 months.

18. *Receiving Consideration for Vote.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 91. *Offence:* Receiving consideration or promise in respect of vote, or receiving consideration after voting. *Prosecution:* Indictable as bribery. *Penalty:* Additional penalty $200 recoverable with costs by person suing in civil court. Limitation of Action, 6 months.

19. *Treating.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 92. *Offence:* Treating at local option election. *Prosecution:* Court of competent jurisdiction. *Penalty:* $200 and costs, recoverable by suit. Limitation of Action, 6 months.

20. *Refreshments. — Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 93. *Offence:* Giving meat or drink to voter on polling day. *Prosecution:* Court of competent jurisdiction. *Penalty:* $10, recoverable by suit and payable to person suing, with costs. Limitation of Action, 6 months.

21. *Intimidation. — Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 94. *Offence:* Threatening violence, practising intimidation, interfering with free exercise of franchise. *Prosecution:* Indictable as undue influence. *Penalty:* Additional penalty $200, recoverable by suit and payable to person suing with costs. Limitation of Action, 6 months.

22. *Hiring Conveyances.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 95. *Offence:* Hiring conveyance

for voters, or for agent. *Prosecution:* Court of competent jurisdiction. *Penalty:* $100, recoverable by person suing and payable to him with costs. Limitation of Action, 6 months.

23. *Personation.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 96. *Offence:* Applying for ballot paper by personation, or voting twice. *Prosecution:* Court of competent jurisdiction. *Penalty:* $200 and also 6 months' imprisonment. Limitation of Action, 6 months.

24. *False Oaths.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 97. *Offence:* Compelling or inducing personation or the taking of any false oath under the Act. *Prosecution:* Indictable. *Penalty:* Additional penalty $200, recoverable by suit with costs and payable to party suing. Limitation of Action, 6 months.

25. *Forgery and Fraud.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 99. *Offence:* Fraudulently supplying ballot papers or dealing therewith, or forgery thereof, or attempting to commit any offence under this section. *Prosecution:* Indictable. *Penalty:* For returning officer, $1,000 fine, in default 2 years with or without hard labour. Any other person, $500, in default 6 months with or without hard labour. Limitation of Action, 6 months.

26. *Neglect of Duty.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 100. *Offence:* Refusing or neglecting to perform obligations or formalities on part of returning officer or deputy required by the Act. *Prosecution:* Court of competent jurisdiction. *Penalty:* $200, recoverable by party suing and payable to him. Limitation of Action, 6 months.

27. *Wilful Misfeasance.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 101. *Offence:* Being guilty of wilful misfeasance or omission on the part of any officer. *Prosecution:* Court of competent jurisdiction. *Penalty:* $500 in addition to actual damages occasioned. Recoverable by suit and payable to person aggrieved. Limitation of Action, 6 months.

(*e*) TEMPERANCE.

28. *False Medical Certificate.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 126. *Offence:* Giving a certificate under the *Canada Temperance Act* for any purpose other than strictly medicinal by way of prescription. *Prosecution:*

Summary conviction before two Justices of the Peace, etc. *Penalty:* First offence, $20; second and subsequent, $40.

29. *Compounding Offences.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 149. *Offence:* Compounding offences and stopping prosecutions. *Prosecution* before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge of Sessions. *Penalty:* 3 months' imprisonment with hard labour. *Special Provisions:* No certiorari. Limitation of Action, 3 months.

30. *Tampering with Witnesses.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 150. *Offence:* Tampering with witnesses. *Prosecution* before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge of Sessions. *Penalty:* $50. *Special Provisions:* No certiorari. Limitation of Action, 3 months.

31. *Unlawfully Keeping for Sale, Selling, Bartering or Giving Liquor.—Statute: Canada Temperance Act,* R. S. C. 1906, ch. 152, sec. 127 (1). *Offence:* Person by himself, his clerk, servant, or agent in violation of Part II. of the *Canada Temperance Act:*—(*a*) Exposing or keeping for sale, any intoxicating liquor; or (*b*) directly or indirectly on any pretence or by any device, selling or bartering, or in consideration of the purchase of any other property, giving to any other person any intoxicating liquor; or (*c*) sending, shipping, bringing or carrying or causing to be sent, shipped, brought or carried to or into any county or city any intoxicating liquor; or (*d*) delivering to any consignee or other person, or stores, warehouses, or keeps for delivery any intoxicating liquor so sent, shipped, brought, or carried. *Prosecution:* On summary conviction. *Penalties:* First offence, min., $50; max., $100, or 1 month with or without hard labour; second and subsequent offence, 4 months with or without hard labour. (1916, ch. 14, sec. 1).

32. *Accessories.—Statute: Canada Temperance Act,* R. S. C., 1906, ch. 152, sec. 127 (2). *Offence:* Person in employ or on premises of another (*a*) exposing or keeping for sale; (*b*) selling, bartering or giving; (*c*) bringing into local option area; (*d*) delivering or keeping for delivery any intoxicating liquor in violation of Part II. of the *Canada Temperance Act. Prosecution:* Summary conviction. *Penalty:* First offence, $50 or 1 month; second offence, $100 or 2 months; third and subsequent offences, imprisonment 4 months without option. Forfeiture of liquor and receptacles. *Special Provision:* Limitation of Action,

3 months. Search warrant. Destruction of liquor seized on warrant. No certiorari. No appeal except in case of medical practitioner. (1908, ch. 71, sec. 2).

(*f*) Manufacture.

33. *Manufacturing Intoxicating Liquor to be Dealt with in Violation of Law of Province where Manufactured.—Statute:* An act in aid of Provincial Legislation respecting intoxicating liquor, 1916, as amended (s. 21) 1919, special session (sec. 1 (*a*1)). *Offence:* Any person who by himself, his clerk, servant, or agent, and any person who as clerk, servant or agent, officer or employee of any other person, or of any government railway or steamboat, whether Dominion or Provincial, manufactures any intoxicating liquor knowing or intending that such intoxicating liquor will or shall be thereafter dealt with in violation of the law of the province in which such intoxicating liquor is manufactured (sec 1 (*a*1)—1919 special session, ch. 21, sec. 1). *Prosecution:* On summary conviction. *Penalty:* First offence, min., $100; max., $200 or 2 months' imprisonment with or without hard labour; 2nd offence, min., $200; max., $400, or 4 months with or without hard labour; 3rd offence, imprisonment, min., 6 months; max., with or without hard labour; 2nd offence, min., $200; max., 12 months, with or without hard labour. *Special Provisions:* Presumption as to knowledge or intention of accused (sec. 4). Venue, (sec. 4A, and 4AA). Forfeiture of liquor (secs. 1, 4B, 4BB). Consent of Attorney-General where accused resides outside province (sec. 4AA). Saving clause for liquor not used for beverage purposes (sec. 9). Search warrants (sec. 4B, 4BB). Disposition of forfeited liquor and penalties (sec. 4BB (2), and 8).

(*g*) Federal Prohibition.

34. *Federal Prohibition of Sale of Intoxicating Liquor for Beverage Purposes.—Statute:* The *Canada Temperance (amendment) Act,* ch. 8, 1919 (special session). *Offence:* Any person violating section 154 of the *Canada Temperance Act,* as amended 1919 (special session) *after Order-in-Council declaring prohibition in force in the province.* This prohibition provides that—(*a*) no person shall import, send, take or transport into such province any intoxicating liquor; (*b*) no per-

son shall, either directly or indirectly, manufacture or sell, or contract or agree to manufacture or sell, any intoxicating liquor, to be unlawfully imported, sent, taken or transported into such province; (*c*) carriage or transportation of intoxicating liquor through such province shall only be by means of a common carrier, by water or by railway and not otherwise, and during the time any intoxicating liquor is being so transported or carried no person shall open or break or allow to be opened or broken any package or vessel containing such intoxicating liquor, or drink or use or allow to be drunk or used any intoxicating liquor therefrom (sec. 154). *Prosecutions:* The provisions of Part III. relating to offences apply to prosecutions under Part IV. (Dominion prohibition) and the procedure will presumably be on summary conviction before two Justices of the Peace, or person having the authority of two Justices of the Peace, or any police magistrate, stipendiary magistrate, recorder or Judge of sessions of the peace (sec. 131). *Penalty:* 1st offence, min., $200; max., $1,000, and in default of payment, to imprisonment for any term not less than 3 months nor more than 6 months; 2nd and subsequent offences, imprisonment, min., 6 months; max., 12 months (sec. 154 (2)). *Exceptions:* The provisions of section 154 respecting the prohibition of the sale of liquor do *not* apply or extend to the importation, manufacture, sending, taking, delivery, carriage or transportation into or within, or the sale, or agreeing to sell for delivery in any province in which the prohibition is in force of any intoxicating liquor for—(1) sacramental, or (2) medicinal purposes, or, (3) for manufacturing or commercial purposes, other than for the manufacture or use thereof as a beverage, or (4) to any intoxicating liquor which under the laws of the province or territory in which the prohibition is in force may be lawfully sold therein (sec. 154 (3)). *Special Provisions:* Burden of proof. The burden of proof of the right to import or manufacture intoxicating liquor, or cause intoxicating liquor to be imported or manufactured, or to sell, send, carry or deliver intoxicating liquor, or causing same to be sold, sent, carried, or delivered into any province is upon the accused (sec. 154 (3)). Limitation of Action. As Part III. respecting offences, is applied to Part IV. (new prohibition law), it would appear that prosecutions under Part IV. must be commenced within 3 months after the alleged offence (sec. 134).

(*h*) MISCELLANEOUS.

35. *Destroying Liquor during Transit.—See* RAILWAYS 3.

36. *Selling Liquor to Steerage Passengers.—See* IMMIGRATION 24.

37. *Selling Liquor to Indians.—See* INDIANS 17, 20, 22.

38. *Possessing Liquor on Indian Reserves.—See* INDIANS 19, 24, 25.

39. *Indians Found Drunk.—See* INDIANS 26, 27.

40. *Selling Liquor Manufactured in Violation of Inland Revenue Act.—See* INLAND REVENUE 18.

41. *Unauthorized Application of Trade Label to Bottles of Liquor.—See* INLAND REVENUE 19.

42, *Removing Bonded Spirits from Customs without Permission.—See* INLAND REVENUE 32.

43. *Selling or Giving Away Liquor on Election Day.—See* DOMINION ELECTIONS 17.

44. *Using Liquor to Stupefy Person in Order to have Illicit Connection.—See* DRUGS 2.

Irrigation—

1. *Disobeying Summons.—Statute: Irrigation Act,* R. S. C. 1906, ch. 61, sec. 55. *Offence:* Neglecting to obey summons, or refusing to give evidence, or to produce papers. By contempt order. *Penalty:* Imprisonment, 14 days.

2. *Obstructing Officer.—Statute: Irrigation Act,* R. S. C. 1906, ch. 61, sec. 58. *Offence:* Wilfully obstructing inspecting officer in execution of duty. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $20, imprisonment, alternative, 2 months, with or without hard labour, or both fine and imprisonment.

3. *Hindering Engineer.—Statute: Irrigation Act,* R. S. C. 1906, ch. 61, sec. 59 (1). *Offence:* Interrupting, molesting or hindering in his work, engineer or D.L.S. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $20. Imprisonment, alternative, 2 months, or both fine and imprisonment.

4. *Removing Survey Marks. — Statute: Irrigation Act,* R. S. C. 1906, ch. 61, sec. 59 (2). *Offence:* Person knowingly and wilfully defacing, altering, or removing any survey monument, bench mark, or water gauge, placed by any engineer or Dominion Land Surveyor engaged in making surveys or levels,

or in other operations in connection with any work authorized by the *Irrigation Act*, R. S. C. 1906. *Prosecution:* On summary conviction. *Penalties:* $100 or 3 months or both. (1914, ch. 37, sec. 10).

5. *Diverting Water.—Statute: Irrigation Act*, R. S. C. 1906, ch. 61, sec. 60. *Offence:* Taking or diverting, without authority, water from river, stream, or irrigation works. *Prosecution:* Summary conviction before one Justice of the Peace, or indictment. *Penalty:* $5 per day for each unit of water. Imprisonment, alternative, 30 days, or both fine and imprisonment.

6. *Excessive Quantity.—Statute: Irrigation Act*, R. S. C. 1906, ch. 61, sec. 60. *Offence:* Licensee or other person diverting or taking greater quantity than entitled to. *Prosecution:* Summary conviction before one Justice of the Peace, or indictment. *Penalty:* $5 per day for each unit of water. Imprisonment, alternative, 30 days, or both fine and imprisonment.

7. *Discrimination.—Statute: Irrigation Act*, R. S. C. 1906, ch. 61, sec. 61. *Offence:* Licensee discriminating between users. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $1,000 each offence. Imprisonment, alternative, 2 months, or both fine and imprisonment.

J.

Justices of the Peace—

1. *Bribery and Corruption.* — *See* BRIBERY AND CORRUPTION 2.

Juvenile Delinquents—

1. *Contributing to Delinquency.—Statute: Juvenile Delinquents Act*, 1908, ch. 40, sec. 29. *Offence:* Person knowingly or wilfully encouraging, aiding, causing, abetting or conniving at the commission by a child of a delinquency; *or*, knowingly or wilfully doing any act producing, promoting or contributing to a child's being or becoming a juvenile delinquent, whether or not such person is the parent or guardian of the child; *or*, who (being the parent or guardian of the child and being able to do so) wilfully neglects to prevent or remove conditions which render the child a juvenile delinquent. *Prosecution:* Summary conviction, Juvenile Court or single Justice. *Penalty:* $500 fine or imprisonment not exceeding 1 year or both fine and imprisonment. Sentence may be suspended.

2. *Incarcerating Child in Prison.—Statute: Juvenile Delinquents Act,* 1908, ch. 40, sec. 11(2). *Offence:* Officer or person confining child in jail pending hearing of case. *Prosecution:* Summary conviction. *Penalty:* Fine $100 or 30 days imprisonment or both fine and imprisonment.

K.

Kidnapping—

1. *Kidnapping with Intent to Transport, Enslave, or Secretly Imprison.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 297 (*a*). *Offence:* Any person, without lawful authority, kidnapping any other person with intent to cause such other person to be secretly confined or imprisoned in Canada against his will; or, to cause such other person to be unlawfully sent or transported out of Canada against his will; or, to cause such other person to be sold or captured as a slave, or in any way held to service against his will. *Prosecution:* On indictment. *Penalty:* 25 years.

2. *Kidnapping with Intent to Forcibly Confine.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 297 (*b*). *Offence:* Any person, without lawful authority, forcibly seizing or confining or imprisoning any other person within Canada. *Prosecution:* On indictment. *Penalty:* 25 years.

3. *Kidnapping Child.—See* ABDUCTION.

King's Vessels—

1. *Shooting at King's Vessels.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 275 (*a*). *Offence:* Any person wilfully shooting at any vessel belonging to His Majesty or in the service of Canada. *Prosecution:* On indictment. *Penalty:* 14 years.

2. *Discipline of Seamen.—See* DISCIPLINE (*a*) GOVERNMENT VESSELS.

L.

Labour—

(*a*) ALIEN LABOUR.

1. *Importing Alien Labour.—Statute: Alien Labour Act,* R. S. C. 1906, ch. 97, sec. 3. *Offence:* Prepaying transportation, or assisting, encouraging or soliciting importation or immigration of alien or foreigner into Canada under contract or agree-

ment made previous to immigration to perform labour or service of any kind. *Exceptions*—Private secretaries, servants or domestics of foreigner temporarily residing in Canada, skilled labour for new industry not otherwise obtainable in Canada, professional actors, artists, lecturers, or singers or personal servants, relatives coming from foreign country. *Prosecution:* Penalty recoverable by civil suit. *Penalty:* Min., $50; max., $1,000. Fiat of Judge before action brought. Penalty also recoverable by summary conviction on fiat of Attorney-General of Province, or Judge of Superior or County Court, being granted. Penalty payable to Minister of Finance, Dominion Government, who may order moiety to be given to informer furnishing original information. Contract of service void.

2. *Vessel Bringing Aliens.—Statute: Alien Labour Act,* R. S. C. 1906, ch. 97, sec. 8. *Offence:* Master of vessel bringing aliens into Canada in violation of *Alien Labour Act. Prosecution:* Indictment. *Penalty:* Fine $500 for each alien. Imprisonment not exceeding 6 months may be given in addition. *Special Provisions:* Fine belongs to Dominion Government and is payable to Minister of Finance.

(*b*) STRIKES AND LOCKOUTS.

3. *Causing Lockout.—See* INDUSTRIAL DISPUTES 4.

4. *Going Out on Strike.—See* INDUSTRIAL DISPUTES 5.

5. *Inciting Lockouts and Strikes.—See* INDUSTRIAL DISPUTES 6.

6. *Intimidation to Prevent Workman Working at his Trade or business.—See* INTIMIDATION 2.

7. *Intimidation of Workmen.—See* INTIMIDATION 1, 2.

Leather and Raw Hides—

1. *Inspector not Keeping Proper Books.—See* INSPECTION AND SALE 24.

2. *Unlawfully Stamping or Numbering Rawhides or Leather. —See* INSPECTION AND SALE 25.

Leprosy—

1. *Harbouring Lepers.—Leprosy Act,* R. S. C. 1906, ch. 136, sec. 16.—Harbouring or concealing any person afflicted with leprosy, with intent to prevent medical examination. Summary conviction before one Justice of the Peace. Min., $10, max., $100, or imprisonment. Min., 1 month, max., 6 months, with or

without hard labour, or both fine and imprisonment. Search warrant.

Letters—

1. *Theft.—See* THEFT 16, 17; POST OFFICE 2, 10.
2. *Threatening.—See* THREATS, 4, 6.

Libel—

1. *Publishing Blasphemous Libel.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part V., sec. 198. *Offence:* Any person publishing a blasphemous libel. *Prosecution:* On indictment. *Penalty:* 1 year.

2. *Publishing Defamatory Libel. — See* DEFAMATORY LIBEL 1.

Lighthouses—

1. *Offences with Respect to Lighthouses.—See* SHIPPING 167, 168.

Living on Avails—

1. *Living on Avails of Prostitution.—Statute:* Criminal Code, R. S. C. 1906, sec. 216 (*l*). *Offence:* Any person, being a male person, living wholly or in part on the earnings of prostitution. *Prosecution:* On indictment. *Penalty:* 5 years and on second or subsequent conviction to be whipped in addition.

2. *Aiding and Abetting Prostitution for Gain.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part V., sec. 216 (*i*). *Offence:* Any person for the purposes of gain, exercises control, direction or influence over the movements of any woman or girl in such a manner as to show that he is aiding, abetting or compelling her prostitution with any person or generally. *Prosecution:* On indictment. *Penalty:* 5 years and on second or subsequent conviction to be whipped in addition.

3. *Being a Vagrant and Supporting Self in Part by Avails of Prostitution.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 238 (*l*) and 239. *Offence:* Any person being a loose, idle, or disorderly person or a vagrant, having no peaceable profession or calling to maintain himself by and who for the most part, supports himself by gaming, or crime, or by the avails of prostitution. *Prosecution:* On summary conviction. *Penalty:* $50 fine or 6 months or both.

4. *Parent or Guardian Receiving Avails of Defilement.—* Criminal Code, R. S. C. 1906, ch. 146, sec 215 (*b*). *Offence:* Any person being a parent or guardian of any girl or woman,

permits or knowingly receives the avails of the defilement, seduction, or prostitution of such girl or woman. *Prosecution:* On indictment. *Penalty:* 14 years if girl or woman is under 14 years of age, and 5 years' imprisonment if girl or woman is above 14 years of age.

Live Stock—

(*a*) COMMERCIAL FEEDING STUFFS.

1. *Unlawful Sale.—Statute: Commercial Feeding Stuffs Act,* 1909, ch. 15, sec. 15. *Offence:* Manufacturer, or agent, or purchasers for resale, selling, or offering or exposing for sale any commercial feeding stuff in respect of which the provisions of the *Commercial Feeding Stuffs Act,* 1909, have not been complied with, or which does not contain the percentage of constituents mentioned in the manufacturer's or certificate accompanying such feeding stuffs. *Prosecution:* Court of competent jurisdiction. *Penalty:* First offence, $50, subsequent offence, $100. Imprisonment in default of payment of penalty, 30 days. Penalty payable to Dominion Government.

2. *Forgery or Uttering of Certificates of Registration, &c.—Statute: Commercial Feeding Stuffs Act,* 1909, ch. 15, sec. 16. *Offence:* Person forging or uttering or using, knowing it to be forged, any manufacturers' certificate, registration number, or certificate of analysis required under the *Commercial Feeding Stuffs Act,* 1909. *Prosecution:* Indictable. *Penalty:* Imprisonment, 2 years with or without hard labour.

3. *Lowering Nutritive Value, Selling Unregistered Stuff, and Unlawful Use of Certificate, Tag, or Number.—Statute: Commercial Feeding Stuffs Act,* 1909, ch. 15, sec. 17. *Offence:* Person wilfully applying to any commercial feeding stuff a certificate or tag or registration number given in relation to any other package or lot of feeding stuff; *or,* person selling any unregistered feeding stuff; *or,* person lowering the nutritive value of a feeding stuff by mixing any other substances therewith after being placed on market by maker or manufacturer. *Prosecution:* Summary conviction. *Penalty:* $500, and in default of payment, 12 months' imprisonment. Penalties payable to Dominion Government for Revenue of Canada.

4. *False Certificate.—Statute: Commercial Feeding Stuffs Act,* 1909, ch. 15, sec. 18. *Offence:* Person giving a false certificate in writing with respect to a commercial feeding stuff sold by him as a principal or agent. *Prosecution:* Summary convic-

tion. *Penalty:* $500, and in default of payment, 12 months' imprisonment. Penalties payable to Dominion Government for Revenue of Canada.

(*b*) Record Associations.

5. *False or Fraudulent Statements as to Pedigrees.—Statute: Live Stock Pedigree Act,* 1912, ch. 31, sec. 17. *Offence:* Person wilfully signing or presenting, or causing or procuring to be signed or presented to the recording officer of an association or to the accountant or other person in charge of the Canadian National Live Stock Records, a declaration or application for registration of any animal by any association containing a false or fraudulent statement regarding age, colour, breeding, or pedigree of such animal. *Prosecution:* Summary conviction, Part XV., Criminal Code, before two Justices of the Peace or Police Magistrate. *Penalty:* Min., $100 and costs; max., $500 and costs. *Special Provisions:* Limitation of Action, 2 years.

(*c*) Shipping Stock by Sea.

6. *Violating Shipping Regulations.—Statute: Live Stock Shipping Act,* R. S. C. 1906, ch. 130, sec. 9. *Offence:* Sending or taking ship to sea without inspector's certificate as to live stock required by the *Live Stock Shipping Act. Prosecution:* Indictable. *Penalty:* $1,000. *Special Provision:* Seizure and detention of ship until payment of penalty. Consent of Minister required before prosecution is instituted. Penalty payable to Dominion Government for public uses of Canada.

7. *Failing to Notify Inspector when Shipping Live Stock.—Statute: Live Stock Shipping Act,* R. S. C. 1906, ch. 130, sec. 10. *Offence:* Failing to notify inspector of intention to take on board live stock. *Penalty:* $1,000. Ship liable to seizure and detention until paid. Penalty belongs to Dominion Government for public uses of Canada.

8. *Overloading.—Statute: Live Stock Shipping Act,* R. S. C. 1906, ch. 130, sec. 11. *Offence:* Proceeding to sea with greater number of live stock on board than allowed by certificate. *Penalty:* $1,000. Seizure and detention of ship until payment of penalty. Penalty, when paid, belongs to Dominion Government for public uses of Canada.

Live Stock Products—

1. *Violating Live Stock Products Act, 1917.*—Statute: Live Stock and Live Stock Products Act,* 1917, ch. 32, sec. 10, as amended 1919, ch. 28, sec. 5. *Offence:* Any person violating any provision of the *Live Stock and Live Stock Products Act,* 1917, or of any regulation made thereunder (sec. 10). *Prosecution:* On summary conviction (sec. 10). *Penalty:* $400 or 3 months' imprisonment, or both fine and imprisonment (sec. 10). (1919, ch. 28, sec. 5).

2. *Assaulting Officer.—Statute: Live Stock and Live Stock Products Act, 1917,* ch. 32, sec. 11. *Offence:* Any person assaulting, obstructing or interfering with any officer in the performance of his duty under the *Live Stock and Live Stock Products Act,* 1917; *or,* refusing to allow any officer to enter any building or other premises (sec. 11). *Prosecution:* On summary conviction (sec. 11). *Penalty:* Not exceeding $50, or 1 month's imprisonment or to both (sec. 11). (1917, ch. 32, sec. 11).

Loan Companies—

1. *Paying Organization Expenses After Certificate.—Statute: Loan Companies Act,* 1914, ch. 40, sec. 85. *Offence:* Any director authorizing payment of, or any manager or any other officer or servant of the company, paying or causing to be paid any money for or on account of incorporation or organization expenses of the company after the certificate permitting the company to commence business has been obtained from the Minister, except in case where the liability so paid has been disclosed to the Minister at the time of the application for such certificate. *Prosecution:* On indictment. *Penalty:* 2 years' imprisonment.

2. *Neglecting to make Proper Entries in Books.—Statute: Loan Companies Act,* 1914, sec. 86. *Offence:* Any director, officer and servant of the company refusing or wilfully neglecting to make any proper entry in the books of the company.

* LIVE STOCK PRODUCTS—*Provisions.*—The provisions of the Live Stock Products Act, 1917, which are mandatory or prohibitive in their operation, are as follows: 1, Every stock yard, to which the Act applies, must be constructed and equipped in accordance with the regulations, and no such stock yard must be operated or used until it has been inspected and approved by the Minister or an inspector, and every such stock yard must, at all times, be open to inspection by the Minister or any inspector (sec. 6); 2, no person shall offer or accept for shipment, or shall ship any live stock or live stock products, subject to inspection or branding or marking under the Act, unless the requirements regarding inspection and branding or marking have been complied with, and certificates issued (sec. 9*a*).

Prosecution: On indictment. *Penalty:* 2 years' imprisonment.

3. *False Statements in Accounts.—Statute: Loan Companies Act,* 1914, sec. 87. *Offence:* Making any wilful, false or deceptive statement in any account, statement, return, report or other document, respecting the affairs of the company; *or,* using any false or deceptive statement in any account, statement, return, report, or other document respecting the affairs of the company with intent to deceive or mislead any person. *Prosecution:* On indictment. *Penalty:* 5 years unless greater penalty prescribed by law.

4. *Signing False Statements.—Statute: Loan Companies Act,* 1914, ch. 40, sec. 88. *Offence:* Any director, auditor, manager or other officer of company, auditor and inspector, negligently preparing, signing, approving or concurring in any account, statement, return, report or document respecting affairs of company containing any false or deceptive statement. *Prosecution:* On indictment. *Penalty:* 3 years, unless greater punishment prescribed by law.

5. *Refusing to Produce Books.—Statute: Loan Companies Act,* 1914, ch. 40, sec. 89. *Offence:* Any director, officer and servant of the company refusing or neglecting, after application by shareholder or creditor, his attorney or agent, to produce the books of the company within his power of control containing the names of the persons who are or have been shareholders; *or,* refusing or neglecting to allow any such books to be inspected and extracts to be taken therefrom during reasonable business hours of any juridical day. *Prosecution:* On summary conviction. *Penalty:* $50 and costs.

6. *Refusing to Produce Books for Examination by Inspector. —Statute: Loan Companies Act,* 1914, sec. 90. *Offence:* Any director, officer, and servant of the company refusing to produce for examination to an inspector appointed under the *Loan Companies Act,* 1914, to investigate the affairs and management of the company, all books and documents in his custody or control. *Prosecution:* On summary conviction. *Penalty:* $50 and costs.

7. *Neglecting to Send Statements to Minister.—Statute: Loan Companies Act,* 1914, sec. 91. *Offence:* Loan company neglecting to prepare and transmit to the Minister on or before 1st March in each year a statement verified as required by the *Loan Companies Act,* 1914, setting forth particulars as to capital stock, assets and liabilities, and such other details as are required by the *Loan Companies Act,* 1914. *Prosecution:* Suit in Court

of competent jurisdiction at suit of His Majesty; instituted by the Attorney-General of Canada or Minister of Finance. *Penalty:* $20 a day during continued neglect.

Lobsters—

1. *Inspection and Sale.—See* FISH AND FISHING 7-9.

2. *Marking and Labelling of Boxes.—See* FISH AND FISHING 1, 2, 11.

3. *Failing to make Lobster Returns.—See* FISH AND FISHING 8.

4. *Refusing to Produce Lobster Fishery License on Demand. —See* FISH AND FISHING 9.

5. *Neglecting to Preserve Lobster Eggs.—See* FISH AND FISHING 10.

Lord's Day—

1. *Persons.—Statute: Lord's Day Act,* R. S. C. 1906, ch. 153, sec. 13. *Offence:* Violating any of the prohibitory provisions of the *Lord's Day Act. Prosecution:* Summary conviction before one Justice of the Peace, &c. *Penalty:* Min., $1; max., $40 and costs. Limitation of Action, 60 days. *Special Provisions:* Consent of Provincial Attorney-General required before prosecution.

2. *Employers.—Statute: Lord's Day Act,* R. S. C. 1906, ch. 153, sec. 14. *Offence:* Authorizing or directing violation of any of the prohibitory provisions of the *Lord's Day Act. Prosecution:* Summary conviction before one Justice of the Peace, &c. Min., $20; max., $100. Limitation of Action, 60 days. Consent of Provincial Attorney-General before prosecution.

3. *Corporations.—Statute: Lord's Day Act,* R. S. C. 1906, ch. 153, sec. 15. *Offence:* Authorizing, directing or permitting employees of corporation to carry on business on Lord's Day. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* First offence, min., $50; max., $250; subsequent offence, min., $100; max., $500. *Special Provisions:* Limitation of Action, 60 days. Consent of Attorney-General of Province required before prosecution.

Lotteries—

1. *Printing Lottery Scheme.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 236 (*a*). *Offence:* Any person making, printing, advertising or publishing, or causing or procuring to be made, printed, advertised, or published any proposal, scheme or plan for advancing, lending, giving, selling, or in any way dis-

posing of any property by lots, cards, tickets, or any mode of chance whatsoever. *Prosecution:* On indictment. *Penalty:* 2 years and $2,000 fine.

2. *Conducting Lottery Scheme.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 236 (*c*). *Offence:* Any person conducting or managing any scheme, contrivance or operation of any kind for the purpose of determining 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. *Prosecution:* On indictment. *Penalty:* 2 years and $2,000 fine.

Lottery Tickets—

3. *Selling Lottery Tickets.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 236 (*b*). *Offence:* Any person selling, bartering, exchanging or otherwise disposing of, or causing or procuring, or aiding or assisting 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. *Prosecution:* On indictment. *Penalty:* 2 years and $2,000 fine.

4. *Buying Lottery Tickets.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 236 (2). *Offence:* Any person buying, taking, or receiving any lot, ticket, or other device referred to in section 236 of the Criminal Code. *Prosecution:* On summary conviction. *Penalty:* $20.

M.

Mails—

1. *Stopping the Mail with Intent to Rob.—Statute:* Criminal Code, sec. 449. *Offence:* Any person stopping a mail with intent to rob or search same. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

2. *Opening Letter Bags without Authority.— See* POST OFFICE 2.

3. *Secreting Mail.—See* POST OFFICE 10.

4. *Opening Mail without Authority.—See* POST OFFICE 10.

5. *Enclosing Letters in Parcels.—See* POST OFFICE 12.

6. *Sending Explosives by Mail.—See* POST OFFICE 11.

7. *Putting Destructive Liquid in Letter Box.—See* POST OFFICE 11.

8. *Obstructing the Mail.—See* POST OFFICE 14.

9. *Mail Carrier being Drunk on Duty.—See* POST OFFICE 15.

10. *Detaining Mail at a Ferry.—See* POST OFFICE 17.

11. *Violating Post Office Regulations.—See* POST OFFICE 21.

12. *Carrying Mail without License.—See* POST OFFICE 27.

13. *Theft of Letters and Other Mailable Matter.—See* THEFT 16, 17, 18, AND POST OFFICE 2, 10.

14. *Breach of Mail Contract by Railway Company. — See* BREACH OF CONTRACT 4.

15. *Receiving Mail at Fictitious Address for Dealing in Counterfeit Money.—See* COUNTERFEITING 32.

Malt and Malting—

1. *Malting without a License.—See* INLAND REVENUE 25.

2. *Possessing Malting Apparatus without Reporting to Inland Revenue.—See* INLAND REVENUE 26.

3. *Maltster Fraudulently Adding Grain after Inspection by Inland Revenue Officers.—See* INLAND REVENUE 27.

4. *Removing Malt before Account being Taken by Inland Revenue Officers.—See* INLAND REVENUE 28.

5. *Maltster Adding Water to Grain without Notice to Inland Revenue.—See* INLAND REVENUE 29.

6. *Selling Malt Unlawfully Manufactured.—See* INLAND REVENUE 30.

7. *Removing or Delivering Malt from Malt House without Proper Authority.—See* INLAND REVENUE 31.

Manslaughter—

1. *Manslaughter.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 268. *Offence:* Any person committing manslaughter. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

Maple Sugar—

1. *Adulteration.—See* ADULTERATION OF FOOD AND DRUGS 1.

Marine Stores—

1. *Purchasing Old Marine Stores from Person Under 16.—Statute:* Criminal Code, sec. 431 (1). *Offence:* Any person dealing in old marine stores of any description, including anchors, cables, sails, junk, iron, copper, brass, lead, or other marine stores who by himself or his agent, purchases any old marine stores from any person under the age of 16 years. *Prosecution:* On summary conviction. First offence $4; 2nd and subsequent offence, $6.

2. *Receiving old Marine Stores.—Statute:* Criminal Code, sec. 431 (2). *Offence:* Any person, dealing in old marine stores

of any description, who by himself or his agent, purchases or receives any old marine stores into his shop, premises or place of deposit, except in the day time between sunrise and sunset. *Prosecution:* On summary conviction. *Penalty:* First offence, $5; second and subsequent offences, $7.

3. *Having Stolen Goods Secreted on Premises.—Statute:* Criminal Code, sec. 431 (3). *Offence:* Any person, purporting to be a dealer in old marine stores, on whose premises any such stores which have been stolen are found secreted. *Prosecution:* On indictment. *Penalty:* 5 years.

Marriage—

1. *Bigamous Marriages.—See* BIGAMY.

2. *Solemnizing without Authority.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 311. *Offence:* Any person without lawful authority, the proof of which shall lie on him, solemnizing or pretending to solemnize any marriage; or, procuring any person to solemnize any marriage knowing that such person is not lawfully authorized to solemnize such marriage or knowingly aids or abets such person in performing such ceremony. *Prosecution:* On indictment. *Penalty:* Fine or two years or both.

3. *Solemnizing Illegal Marriage.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 312. *Offence:* Any person, lawfully authorized to solemnize marriages, knowingly and wilfully solemnizing any marriage in violation of the laws of the province in which the marriage is solemnized. *Prosecution:* On indictment. *Penalty:* Fine or 1 year's imprisonment.

4. *Procuring Feigned Marriage.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 309. *Offence:* Any person procuring a feigned or pretended marriage between himself and any woman or who knowingly aids and assists in procuring such feigned or pretended marriage. *Prosecution:* On indictment. *Penalty:* 7 years.

5. *Practising Polygamy. See* POLYGAMY 1, 2.

6. *Polygamous Marriages.—See* POLYGAMY 1, 2.

7. *Seduction under Promise of Marriage.—See* SEDUCTION.

Matches—

(*a*) WHITE PHOSPHORUS MATCHES.

1. *Regulations Respecting use of White Phosphorus in Matches.—Statute: White Phosphorus Matches Act,* 1914, ch.

12, sec. 7. *Offence:* Violating regulations made by Governor-in-Council for the carrying out of the *White Phosphorus Matches Act,* 1914. *Prosecution:* On summary conviction. *Penalties:* $500 and costs under section 11. *Special Provisions:* Evidence. Venue.

2. *Obstructing Officers.—Statute: White Phosphorus Matches Act,* 1914, sec. 10. *Offence:* Any person refusing to admit, or obstructing or impeding inspector; and any person aiding and assisting such person therein. *Prosecution:* On summary conviction. *Penalty:* $500 and costs. *Special Provisions:* Evidence. Venue.

3. *Violations not Otherwise Provided for.—Statute: White Phosphorus Matches Act,* 1914, sec. 11. *Offence:* Any person violating any provision of the *White Phosphorus Matches Act,* 1914, or any regulation made thereunder for which no penalty is otherwise provided. *Prosecution:* On summary conviction. *Penalty:* $500 and costs. *Special Provisions:* Evidence. Venue.

Medicinal Preparations—

1. *Manufacture and Sale of Patent Medicines.—See* PATENT MEDICINES.

Meetings—

1. *Religious and Social Meetings.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 201. *Offence:* Any person wilfully disturbing, interrupting, or disquieting any assemblage or persons met for religious worship, or for any moral, social or benevolent purpose, by profane discourse, by rude or indecent behaviour or by making a noise, either within the place of such meeting or so near it as to disturb the order of solemnity of the meeting. *Prosecution:* On summary conviction. *Penalty:* $50 and costs, and in default of payment, 1 month's imprisonment.

2. *Causing Disturbance.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 201. *Offence:* Any person wilfully disturbing, interrupting or disquieting any assemblage of persons met for religious worship, or for any moral, social or benevolent purpose by profane discourse, by rude or indecent behaviour or by making a noise either within the place of such meeting or so near it as to disturb the order or solemnity of the meeting. *Prosecution:* On summary conviction. *Penalty:* $50 and costs, and in default of payment 1 month's imprisonment.

3. *Unlawful Meetings.—See* UNLAWFUL ASSEMBLIES 1.

4. *Coming Armed to Public Meetings.—See* OFFENSIVE WEAPONS 18.

5. *Lying in Wait for Persons Coming from Public Meeting.—See* OFFENSIVE WEAPONS 19.

Migratory Birds—

1. *Game Officer Violating Migratory Birds Convention Act, 1917.—Statute:* The *Migratory Birds Convention Act,* 1917, ch. 18, sec. 8. *Offence:* Any game officer appointed under the *Migratory Birds Convention Act,* 1917, violating the Act, or any regulation made thereunder; *or,* aiding, abetting or conniving at any violation of said Act or regulations. *Prosecution:* On summary conviction before Recorder, Commissioner of Police, Judge of Sessions of Peace, Police Stipendiary or District Magistrate, or two Justices of the Peace. *Penalties:* Min., $100 and costs or 3 months; max., $500 and costs or 6 months. *Special Provisions:* Right of entry and search, seizure and confiscation of birds. Close seasons.

2. *Assaulting, Obstructing or Interfering with Game Officer.—Statute:* The *Migratory Birds Convention Act,* 1917, ch. 18, sec. 9. *Offence:* Any person assaulting, obstructing, or interfering with any game officer or peace officer in the discharge of any duty under the provisions of the *Migratory Birds Convention Act,* 1917, or any regulation made thereunder. *Prosecution:* On summary conviction under section 12. *Penalty:* Min., $10; max., $100 or 6 months or both.

3. *Refusing to give Information or Giving False Information to Officer.—Statute:* The *Migratory Birds Convention Act,* 1917, ch. 18, sec. 10. *Offence:* Any person wilfully refusing to furnish information, or wilfully furnishing false information to game officer or peace officer respecting a violation of the *Migratory Birds Convention Act,* 1917, or any regulation made thereunder, or respecting the existence of or the place or concealment of any bird, nest or egg, or any portion thereof, captured, killed or taken in violation of said Act or regulation. *Prosecution:* On summary conviction under section 12. *Penalty:* Min., $10; max., $100 or 6 months or both.

4. *Violating the Migratory Birds Convention Act, 1917.—Statute:* The *Migratory Birds Convention Act,* 1917, sec. 12. *Offence:* Any person violating any provision of the *Migratory Birds Convention Act,* 1917, or any regulation. *Prosecution:* On summary conviction. *Penalties:* Min., $10; max., $100 or 6 months or both.

Military—

(*a*) MILITARY SERVICE.

1. *Person Called out Failing to Report.—Statute:* The *Military Service Act,* 1917, ch. 19, sec. 4 (4). *Offence:* Any man, called out under the *Military Service Act,* 1917, failing, without reasonable excuse, to report as required by section 4 of the *Military Service Act,* 1917. *Prosecution:* Summary conviction. *Penalty:* 5 years, with hard labour.

2. *Local Tribunal Member Failing to Act.—Statute:* The *Military Service Act,* 1917, sec. 6 (6). *Offence:* Any person duly appointed a member of a local tribunal under the *Military Service Act,* failing without reasonable excuse to perform his duties as such member. *Prosecution:* On summary conviction. *Penalty:* Min., 3 months; max., 2 years.

3. *Fraud in Connection with Exemption Certificates.—Statute:* The *Military Service Act,* 1917, sec. 11 (6). *Offence:* Any person altering or tampering with a certificate; *or,* falsely representing himself to be a person to whom a certificate has been granted; *or,* if granted a certificate, allowing, for the purpose of evading the Act, any other person to have possession of such certificate. *Prosecution:* On summary conviction. *Penalty:* 6 months.

4. *Failing to Report Lapse of Exemption Certificate.—Statute:* The *Military Service Act,* 1917, sec. 11 (2*f*). *Offence:* Any man holding a lapsed conditional certificate failing to give notice in writing to the Registrar within 3 days thereafter, that the conditions stated therein have ceased to exist or that his exemption has terminated. *Prosecution:* On summary conviction. *Penalty:* Not exceeding $250.

5. *Making False Representation on Exemption Application. Statute:* The *Military Service Act,* 1917, sec. 11 (4). *Offence:* Any person, for purposes of obtaining a certificate, or a condition in a certificate for himself or for any other person, or for the purpose of obtaining the renewal, variation or withdrawal of a certificate, making any false statement or representation. *Prosecution:* On summary conviction. *Penalty:* 12 months with or without hard labour.

6. *Applying to More than one Local Tribunal for Certificate.—Statute:* The *Military Service Act,* 1917, sec. 11 (5*a*). *Offence:* 1, Any man having applied to any local tribunal for the issue to him of a certificate, applying without the leave of the

Minister to any other local tribunal for a certificate; *and* 2, any person knowing or having reason to believe that an application for a certificate has been made or is being made by or in respect of a man to a local tribunal, making or aiding or abetting in the making or establishing of an application without leave by or in respect of such man to another local tribunal. *Prosecution:* On summary conviction. *Penalty:* Min., $100; max., $1,000.

7. *Altering or Tampering with Certificates or False Representation.—Statute:* The *Military Service Act,* 1917, sec. 11(6). *Offence:* Any person altering or tampering with a certificate or, for the purpose of evading the *Military Service Act,* falsely representing himself to be a person to whom a certificate has been granted; *or,* if granted a certificate allowing for like purpose, any other person to have possession thereof. *Prosecution:* On summary conviction. *Penalty:* 6 months' imprisonment.

8. *Offences not Otherwise Provided for.—Statute:* The *Military Service Act,* 1917, sec. 16 (1). *Offence:* Any person coming within any of the classes set out in section 3 of the *Military Service Act,* 1917, contravening any of the provisions of said Act or regulations for which contravention no other penalty is specially provided. *Prosecution:* On summary conviction. *Penalties:* Min., $10; max., $500 or 12 months or both.

9. *Counselling Resistance to Act.—Statute:* The *Military Service Act,* 1917, sec. 16 (2). *Offence:* 1, Any person, by means of any written or printed communication, publication or article, or by any oral communication or by any public speech or utterance: (*a*) advising or urging men described in section 3 of the *Military Service Act,* 1917, to contravene said Act or regulations; *or,* 2, wilfully resisting or impeding, or attempting wilfully to resist or impede, or persuading or inducing or attempting to persuade or induce any person or class of persons to resist or impede the operation or enforcement of the *Military Service Act,* 1917; *or,* 3, for the purpose of resisting or impeding the enforcement or operation of the Act, persuades or induces or attempts to persuade or induce any person or class of persons to refrain from making applications for certificates of exemption or submitting evidence in respect thereof. *Prosecution:* On indictment or summary conviction. *Penalties:* Not less than 1 year nor more than 5 years. Publications can be summarily suppressed on approval of Central Appeal Judge.

(*b*) Militia.

10. *Medical Practitioner Signing False Certificate.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 108. *Offence:* Medical practitioner signing a false certificate in respect of any case of permanent disability arising from injuries received or illness contracted on active service, drill, or training, or on duty coming before a medical board for report. *Procedure:* Summary conviction. *Court:* A Justice of the Peace. *Punishment:* Fine of $400. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

11. *Forging Stamped Signature of Governor-General.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 109. *Offence:* Forging or counterfeiting any stamped signature of the Governor-General in use for stamping commissions granted or issued under the *Militia Act; or,* uttering same knowing it to be forged or counterfeited. *Procedure:* On indictment. *Court:* Any Court of competent jurisdiction. *Penalty:* Same manner as the forgery of the privy seal or seal at arms of the Governor-General (sec. 109). *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

12. *Leaving Canada with Militia Property.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 110. *Offence:* Leaving Canada with any article of public clothing or other public or corps property in his possession. *Procedure:* As in case of theft. *Court:* As in case of theft. *Punishment:* As in case of theft. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

13. *Claiming Pay for Drill Performed Irregularly.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 111. *Offence:* Knowingly claiming pay on account of drills performed with his corps for any man belonging to any other corps; or pay for officers or men not present; or including in any parade statement, or other return, the name of any person not duly enlisted. *Procedure:* On indictment. *Court:* Any Court of competent jurisdiction. *Punishment:* None specially mentioned in section 111. *Special Provisions.—Consent:* All complaints against an officer must be with the consent of the officer commanding (sec. 131 (1)). All complaints against any man in the militia must be with the consent of the officer commanding or adjutant of the corps, or captain of company to which man belongs (sec. 131 (2)). *Limitation:* All prosecutions must be commenced

within six months of the commission of the offence, except cases of unlawful buying, selling or having in possession arms, accoutrements or other articles; or for desertion (sec. 131 (4)).

14. *Receiving Pay Illegally.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 111 (2). *Offence:* Claiming or receiving pay on account of any drill performed in the ranks of any other than his own proper corps, *or,* did claim or receive pay in more than one corps in any one year. *Procedure:* On indictment. *Court:* Any Court of competent jurisdiction. *Punishment:* None specially mentioned. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

15. *Obtaining Pay of Another by False Pretence.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 112. *Offence:* Obtaining by means of a false pretence any of the pay or moneys belonging to any other officer or man. *Procedure:* On indictment. *Court:* Any Court of competent jurisdiction. *Punishment:* None specially mentioned. *Special Provisions:* Consent to prosecute (sec. 131). Limitation of Action (sec. 131 (4)).

16. *Unlawfully Retaining Another's Pay.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 112. *Offence:* Unlawfully retaining or keeping in his possession any of the pay or moneys belonging to any other officer or man. *Procedure:* On indictment. *Court:* Any Court of competent jurisdiction. *Penalty:* None specially mentioned. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

17. *False Returns.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 113. *Offence:* Knowingly signing a false parade, state, roll, or pay list or return whatsoever. *Procedure:* By indictment. *Court:* Any Court of competent jurisdiction. *Punishment:* None specially mentioned. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action (sec. 131 (4)).

18. *Refusing Required Information or Giving False Information.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 114. *Offence:* When required by an officer making up any roll in accordance with the Act, did refuse to give such information or gave false information or refused to give his own name and proper information, or, gave a false name or false information. *Procedure:* None specially mentioned, but possibly by summary conviction under sec. 130. *Court:* Any Court of competent

jurisdiction. *Punishment:* Fine not exceeding $20 for each item of information refused or falsely stated. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

19. *Refusing to make Enrolment or Ballot.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 115. *Offence:* Refusing or neglecting to make any enrolment or ballot or to make or transmit any roll, return or copy thereof required by the Act or by the regulations. *Procedure:* None specially mentioned, but possibly by summary conviction under sec. 130. *Court:* Any Court of competent jurisdiction. *Punishment:* (*a*) Officer, not exceeding $50; (*b*) man, not exceeding $25. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action (sec. 131 (4)).

20. *Refusing to be Sworn when Drafted.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 116. *Offence:* Refusing or neglecting to take the oath or make the declaration required under the *Militia Act* when tendered to him by a Justice of the Peace, or by a commissioned officer duly authorized for that purpose. *Procedure:* By summary conviction. *Court:* Two Justices of the Peace. *Punishment:* Imprisonment for a term not exceeding 6 months, and for any subsequent neglect or refusal to further imprisonment not exceeding 12 months. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

21. *Personation on Militia Parade.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 117. *Offence:* At any parade or on any other occasion for any of the purposes required by the *Militia Act,* falsely personating another person. *Procedure:* By indictment. *Court:* None specially mentioned. *Punishment:* Fine not exceeding $100. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

22. *Refusing to Assist in Making Rolls.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 118. *Offence:* Refusing or neglecting to assist his commanding officer in making any roll or return or did refuse or neglect to obtain or to assist his commanding officer in obtaining any information required in order to make or correct any roll or return. *Procedure:* None specially mentioned, possibly summary conviction under sec. 130. *Court:* Any Court of competent jurisdiction. *Punishment:* (*a*) Officer, not exceeding $50; (*b*) man, not exceeding

$25 for each offence. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

23. *Refusing to Give Information for Making Roll or Return.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 119. *Offence:* Refusing or neglecting to give any notice or information necessary for making or correcting the roll of any company when required to do so by an officer or non-commissioned officer demanding it any reasonable hour and place. *Procedure:* None specially mentioned, presumably by summary conviction under sec. 130. *Court:* None specially mentioned, presumably any Court of competent jurisdiction. *Punishment:* $10 for each offence. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

24. *Refusing to Attend Drill or Obey Orders.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 120. *Offence:* Section 120. Without lawful excuse neglecting or refusing to attend any parade or drill or training at the place and hour appointed therefor, or did refuse or neglect to obey any lawful order at or concerning any parade, drill or training. *Procedure:* None specially mentioned, presumably by summary conviction under section 130. *Court:* Any Court of competent jurisdiction. *Punishment:* (*a*) Officer, $10; (*b*) man, $5 for each offence, and every day's absence shall be considered a separate offence. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

25. *Hindering Militia at Drill.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 121. This section applies to every person. *Offence:* Section 121 interrupting or hindering any portion of the militia at drill, or trespassing on the bounds set out by the proper officer for such drill. *Procedure:* None specially mentioned, presumably by summary conviction under section 130. *Court:* Any Court of competent jurisdiction. *Punishment:* $5 for each offence, and liable to arrest and detention by any person by order of commanding officer until the drill is over for the day (sec. 121). *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action (sec. 131 (4)).

26. *Disobedience or Insolent Behaviour.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 122. *Offence:* Disobeying any lawful order of his superior officer or while on service being guilty of insolent, or disorderly behaviour towards such officer. *Procedure:* None specially mentioned, presumably on summary conviction under section 130. *Court:* Any Court of competent

jurisdiction. *Punishment:* (*a*) Officer, $25; (*b*) man, $10. *Special Provisions:* Consent to prosecution (sec. 131) . Limitation of Action, 6 months (sec. 131 (4)).

27. *Not Keeping Arms in Proper Order.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 123. *Offence:* Failing to keep in proper order any arms or accoutrements delivered or entrusted to him, or appearing at drill, parade or on any other occasion with his arms or accoutrements out of proper order or unserviceable, or deficient in any respect. *Procedure:* None specially mentioned, presumably summary conviction under section 130. *Court:* Any Court of competent jurisdiction. *Punishment:* Fine $4 for each offence. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

28. *Unlawful Disposal, Unlawful Possession of Arms or Property.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 124. *Offence:* Unlawfully disposing or removing any arms, accoutrements, or other articles belonging to the Crown, or corps; or, refusing to deliver up any arms, accoutrements, or other articles in his possession belonging to the Crown or corps, when lawfully required; or, having in possession any arms, accoutrements or other articles belonging to the Crown, or corps; without lawful cause. *Procedure:* None specially mentioned, possibly on summary conviction under section 130. *Court:* None specially mentioned, presumably any Court of competent jurisdiction. *Punishment:* $20 for each offence. *Special Provisions:* Indictment. Any person violating section 124 can be indicted and punished for a greater offence if such greater offence appears to have been committed (sec. 124 (3)). *Attachment:* A Justice of the Peace can order arrest of person violating this section 124 on an affidavit showing that there is reason to believe the offender is about to leave Canada, carrying with him any such arms, articles, &c. (sec. 124 (2)). Limitation of Action, 6 months. Consent to prosecution (sec. 131 (4)).

29. *Refusing Aid to Civil Power.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 125. *Offence:* Refusing or neglecting to go with corps or to obey any lawful order of his superior officer, when such corps was lawfully called upon to act in aid of the civil power. *Procedure:* None specially mentioned, presumably on summary conviction under section 130. *Court:* Any Court of competent jurisdiction. *Punishment:* (*a*) Officer, fine not exceeding $100; (*b*) man, fine not exceeding $20. *Special*

Provisions: Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

30. *Resisting Calling out of Militia or Interfering Therewith.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 126. *Offence:* Resisting any calling out of any man enlisted or drafted under regulations; or, resisting any process prescribed for enforcing enrolment by ballot; or, counselling or aiding any person to resist any calling out of any man enlisted or drafted under the regulations or under the regulations or under any process prescribed for enforcing enrolment by ballot, or the performance of any service in relation thereto; or, counselling or aiding any man enlisted or liable to military service, not to appear at the place or rendezvous; or, dissuading any man enlisted or liable to military service from the performance of any duty which he is required by law or regulation to perform, or doing any act detrimental to any man enlisted or liable to military service in consequence of his having performed any such duty; or, interfering with the drill or training of any corps or portion thereof; or, obstructing any corps or portion thereof on the march or elsewhere. *Procedure:* None specially mentioned, presumably by summary conviction under section 130. *Court:* Any Court of competent jurisdiction. *Punishment:* Fine not exceeding $100. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

31. *Refusal to Furnish Transport.—Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 127. *Offence:* Refusing or neglecting to furnish any car, engine, boat, barge, scow, steamship or other vessel, wagon, carriage or pack animal when lawfully required for the conveyance or use of any portion of the militia. *Procedure:* None specially mentioned, presumably by summary conviction under section 130. *Court:* Any Court of competent jurisdiction. *Punishment:* Fine not exceeding $500, and in default not exceeding one year's imprisonment with or without hard labour, or both fine and imprisonment in the discretion of the Court. *Special Provision:* Consent to prosecution (sec. 131). Limitation of Action, 6 months (sec. 131 (4)).

32. *Unauthorized use of Rifle Range. Statute:* The *Militia Act,* R. S. C. 1906, ch. 41, sec. 128. *Offence:* Without the consent of the person in charge, or person authorized by regulations to give such consent, using for target practice a rifle

range which has been inspected and approved, under the *Militia Act*. *Procedure:* None specially mentioned, presumably on summary conviction under section 130. *Court:* Any Court of competent jurisdiction. *Penalty:* Fine not exceeding $25. *Special Provisions:* Consent to prosecution (sec. 131). Limitation of Action (sec. 131 (4)).

33. *Violation of Militia Act (Offences not Otherwise Provided for).—Statute:* The *Militia Act*, R. S. C. 1906, ch. 41, sec. 129. *Offence:* Wilfully violating any provision of the *Militia Act* not otherwise provided for. *Procedure:* None specially mentioned, presumably on summary conviction under section 130. *Court:* Any Court of competent jurisdiction. *Penalty:* Fine not exceeding $20 for each offence. *Special Provisions:* Consent to prosecution (sec. 131 (2)). Limitation of Action, 6 months (sec. 131 (4)).

34. *Persuading Militiaman to Desert.—See* DESERTION 4.

(*c*) UNLAWFULLY DRILLING.

35. *Unlawfully Drilling and Practising Military Exercises.—See* UNLAWFUL DRILLING 1.

(*d*) MISCELLANEOUS.

36. *Selling Defective Military Stores to Government.—See* PUBLIC STORES 13.

37. *Illegally Obtaining Military Information. — See* INFORMATION 1.

38. *Communicating Naval or Military Secrets without Authority.—See* INFORMATION 2-6.

Milk—

1. *Adulteration.—See* DAIRIES AND CREAMERIES 1.

2. *Using Unstamped and Uninspected Milk Measures.—See* WEIGHTS AND MEASURES 13.

3. *Violating Milk Testing Regulations.—Statute: Milk Test Act*, 1910, ch. 59, sec. 6. *Offence:* Violating regulations for the operation and enforcement of this Act and providing penalties can be passed by Governor-in-Council. Maximum penalty $50 for each offence against the Act or against regulations passed under the Act.

Mines and Minerals—

(*a*) INJURING.

1. *Interfering with Mines and Shafts.—Statute:* Criminal Code, sec. 520. *Offence:* Any person, with intent to injure a

mine or oil well, or to obstruct the working thereof:—(*a*) Causes any water, earth, rubbish, or other substance, to be conveyed into the mine or oil well or any subterranean channel communicating with such mine or well; or (*b*) damages any shaft, or any passage of the mine or well; or (*c*) damages with intent to render useless, any apparatus, building, erection, bridge or road, belonging to the mine or well, whether the object damaged be completed or not; or (*d*) hinders the working of any such apparatus; or (*e*) damages or unfastens with intent to render useless any rope, chain or tackle, used in any mine or well, or upon any way or work connected therewith. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Riotous Destruction of Mine Property.*

3. *Riotous Damage to Mine Property.*

(*b*) OPERATION.

4. *Fraudulently Depriving His Majesty or other Owner of Gold and Silver under Mining Lease or Claim.—Statute:* Criminal Code, sec. 424 (*a*). *Offence:* Any person being the holder of any lease or license issued under the provisions of any Act relating to gold or silver mining, or by any persons owning land supposed to contain any gold or silver, by fraudulent device or contrivance defrauds or attempts to defraud His Majesty or any person, of any gold, silver, or money, payable or reserved by such lease, or with such intent as aforesaid conceals or makes a false statement as to the amount of gold or silver procured by him. *Prosecution:* On indictment. *Penalty:* 2 years.

5. *Unlawful Sale of Quartz, Gold or Silver. — Statute:* Criminal Code, sec. 424 (*b*). *Offence:* Any person, except in the Yukon, not being the owner, or agent of the owner, of mining claims then being worked and not being thereunto authorized in writing by the proper officer in that behalf named in any Act relating to mines in force in the province in which the offence is alleged to have been committed, sells or purchases, except to or from such owner, or authorized person, any rock, ore, mineral, stone, quartz or other substance containing gold or silver or any unsmelted or untreated or unmanufactured or partly smelted, partly treated or partly manufactured gold or silver. *Prosecution:* On indictment. *Penalty:* 2 years.

6. *Unlawful Purchase of Rock, Ore or Quartz Containing Gold or Silver.—Statute:* Criminal Code, sec. 424 (*c*). *Offence:* Any person, excepting in the Yukon, purchasing any rock, ore,

mineral, stone, quartz or other substance containing gold or silver, or any unsmelted or untreated or unmanufactured or partly smelted, partly treated or partly manufactured gold or silver, except from such owner or authorized person, and who does not at the same time execute in triplicate an instrument in writing stating the place and time of purchase, and the quantity, quality and value of gold and silver so purchased, and the name or names of the person or persons from whom the same was purchased, and within ten days file the same with the Clerk of the County or District Court of the county or district in which the purchase was made or with the officer with whom in the said county or district bills of sale or mortgages of property are filed or deposited. *Prosecution:* On indictment. *Penalty:* 2 years.

7. *Unlawful Possession of Rock, Ore or Quartz Containing Gold or Silver.—Statute:* Criminal Code, sec. 424A, upon proclamation. *Offence:* Any person who, having in his possession, or upon his premises, with his knowledge, any rock, ore, mineral, stone or quartz of a value not less than 25 cents per pound, or in the case of mica of a value of not less than 7 cents a pound, or any partly melted, partly treated or partly manufactured gold or silver, which there is reasonable ground to suspect has been stolen or has been dealt with contrary to the provisions of paragraph (*b*) or (*c*) of section 424 is unable or refuses to account satisfactorily for or prove his right to the possession of the same. *Prosecution:* On indictment and on special proceedings being taken only as allowed in section 424A. *Penalty:* 2 years.

(*c*) Unused or Abandoned Mines.

8. *Leaving Unused Mine or Quarry Unguarded.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 287 (*b*). *Offence:* Any person, being the owner, manager or superintendent, of any abandoned or unused mine or quarry, or property upon or in which there is any excavation of a sufficient area and depth to endanger human life, leaves the same unguarded and uninclosed by a guard or fence of sufficient height and strength to prevent any person from accidentally riding, driving, walking or falling therein. *Prosecution:* On summary conviction. *Penalty:* Fine or imprisonment with or without hard labour. Under section 1052 (2) the penalty in cases of summary conviction where no provision is made, as in this section, is $50 fine or 6 months' imprisonment, with or without hard labour or both fine and imprisonment.

9. *Neglecting to Erect Guard After Conviction.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 287 (*c*). *Offence:* Any person, omitting within five days after conviction of any such offence as referred to in section 287 (*b*), to so guard or inclose the same or to construct or over such exposed opening or excavation a guard or fence of such height and strength. *Prosecution:* On summary conviction. *Penalty:* Fine or imprisonment. Under section 1052 (2) the penalty in unprovided summary cases is $50 fine or 6 months' imprisonment with or without hard labour, or both fine and imprisonment.

(*d*) Placer Mining.

10. *Contravening Act.—Statute: Yukon Placer Mining Act,* R. S. C. 1906, ch. 64, sec. 89. Contravening the *Yukon Placer Mining Act,* or refusing to obey any lawful order of any official, Court or board, having jurisdiction under the Act in mining disputes. Summary conviction before two Justices of the Peace or Police Magistrate, $250. Imprisonment, alternative, 3 months with or without hard labour.

Miscarriage—

1. *Attempt to Procure Miscarriage of Another Person.—See* Abortion.

2. *Attempt to Procure Own Miscarriage.—See* Abortion.

3. *Supplying Abortion Drugs.—See* Abortion.

Mischief—

1. *Mischief or Wilful Destruction or Damage to Property.—Statute:* Criminal Code, sec. 510. *Offence:* Any person wilfully destroying or damaging any of the property mentioned in section 510 of the Criminal Code. *Penalty:* Class "A" property, life imprisonment; Class "B" property, 14 years; Class "C" property, 7 years; Class "D" property, 5 years; Class "E" property, 2 years, where property is damaged to value of $20.

2. *Railways.—See* Railways 14, 15.

3. *Telegraph Apparatus.—See* Telegraphs 8.

Money Lenders—

1. *Usury Contracts.—Statute: Money Lenders' Act,* R. S. C. 1906, ch. 122, sec. 11. *Offence:* Lending money by money lender at a rate of interest greater than authorized by the *Money Lenders' Act. Prosecution:* Indictable. *Penalty:* Imprisonment, 1 year, or $1,000 fine.

Money Orders—

1. *Fraudulent Issue of Money Orders.—See* POST OFFICE 3.

2. *Issuing Money Orders before Payment.—See* POST OFFICE 18.

Motor Cars—

1. *Theft of Motor Car.—See* THEFT 42.

2. *Injuring Persons by Furious Driving. — See* FURIOUS DRIVING 1.

3. *Failing to Stop after Accident.—See* FURIOUS DRIVING 2.

Murder—

1. *Murder.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 263. *Offence:* Any person committing murder. *Prosecution:* On indictment. *Penalty:* Death.

2. *Conspiring to Murder.—See* CONSPIRACY.

3. *Counselling Murder.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 266 (*b*). *Offence:* Any person counselling or attempting to procure any person to murder such other person, anywhere, although such person is not murdered in consequence of such counselling or attempted procurement. *Prosecution:* On indictment. *Penalty:* 14 years.

4. *Accessory after the Fact to Murder.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 267. *Offence:* Any person being an accessory after the fact to murder. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

5. *Attempted Murder by Administering Poison.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 264 (*a*). *Offence:* Any person, with intent to commit murder, administering any poison or other destructive thing to any person or causing any poison or destructive thing to be so administered or taken, or attempting to administer it, or attempting to cause it to be so administered or taken. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

6. *Attempted Murder by Wounding.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 264 (*b*). *Offence:* Any person, with intent to commit murder, by any means whatever wounds, or causes any grievous bodily harm to any person. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

7. *Attempted Murder by Shooting.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 264 (*c*). *Offence:* Any person, with intent to commit murder, shooting at any person, or, by drawing a trigger or in any other manner attempts to discharge

at any person any kind of loaded arms. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

8. *Attempted Murder by Drowning. — Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 264 (*d*). *Offence:* Any person, with intent to commit murder, attempts to drown, suffocate, or strangle any person. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

9. *Attempted Murder by Explosion in Building.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 264 (*e*). *Offence:* Any person, with intent to commit murder, destroying or damaging any building by the explosion of any explosive substance. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

10. *Attempted Murder by Burning Ship.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 264 (*b*). *Offence:* Any person, with intent to commit murder, sets fire to any ship or vessel or any part thereof or any part of the tackle, apparel or furniture thereof or of any goods or chattels being therein. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

11. *Attempted Murder by Casting Away Vessel.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 264 (*g*). *Offence:* Any person, with intent to commit murder, casts away or destroys any vessel. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

12. *Attempted Murder—By Other Means.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 264 (*h*). *Offence:* Any person, with intent to commit murder, by any other means attempts to commit murder. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

Musk-Ox—

1. *Hunting Prohibited in N.W.T.—See* N. W. T. 2.

Mutiny—

1. *Combining Aboard Ship to Disobey Officers.—See* SHIPPING 63.

2. *Inciting to Mutiny.—See* TREASON 8.

3. *Government Vessels.—See* DISCIPLINE 8.

National Battlefields—

1. *By-laws Regulating Quebec National Battlefields.—Statute: National Battlefields of Quebec Act*, 1908, ch. 57, sec. 4. *Offence:* Violating any by-law made under Acts respecting National Battlefields of Quebec, 1908, and 1914. *Prosecution:*

On summary conviction. *Penalties:* As prescribed in by-laws not exceeding $50 and costs or 60 days or both.

Naturalization—

2. *False Representations or Statements under the Naturalization Act, 1919.—Statute:* The *Naturalization Act,* 1919, ch. 38, sec. 30. *Offence:* Any person for any of the purposes of the *Naturalization Act,* 1919, knowingly making any false representation or any statement false in a material particular (sec. 30). *Prosecution:* On summary conviction. *Penalty:* Imprisonment not exceeding 3 months with or without hard labour. (1919, ch. 38, sec. 30).

Natural Resources—

1. *Secretary or Officials Violating Act.—Statute: Conservation Act,* 1909, ch. 27, sec. 16. *Offence:* Person guilty of any violation of section 15 of the *Conservation Act,* dealing with purchasing or acquiring franchises, privileges, mines, lands or timber limits; or, locating warrants or scrip; or, disclosing information on matters before commission. *Penalty:* $1,000 and forfeiture of all property or interest acquired or obtained in violation of Act. Each item of property or interest or contract is a separate violation. *Special Provisions:* Information to be filed in name of Attorney-General of Canada. Moiety to Crown. Other moiety to informer. (1910, ch. 42, sec. 7).

Naval Service—

(*a*) DISCIPLINE.

1. *Naval Discipline.—Statute:* The *Naval Discipline* (*Dominion Naval Forces*) *Act, 1911.*—The *Naval Discipline* (*Dominion Naval Forces*) *Act,* 1911, enacted by the Parliament of the United Kingdom of Great Britain and Ireland, was brought into operation in relation to the Naval Forces of the Dominion of Canada by an Act of the Parliament of Canada, being Chapter 34 of the Statutes of 1918. There are, however, certain modifications, adaptions and exceptions to the *Naval Discipline* (*Dominion Naval Forces*) *Act,* and these are set out in section 48 of the *Naval Service Act,* ch. 43, 1910.

2. *Desertion.—Statute:* The *Naval Service Act,* 1910, ch. 43, sec. 49. *Offence:* Person procuring or persuading any member of the Naval Forces to desert; or, aiding or assisting any member of the Naval Forces in deserting; or, knowing any person to be a deserter from the Naval Forces conceals or aids or

assists him in concealing himself. *Prosecution:* Summary conviction. *Penalty:* Imprisonment with or without hard labour not exceeding 12 months.

3. *Persuading Sailor to Desert.—See* DESERTION 1.

Navigable Waters—

1. *Notice of Obstruction.—Statute:* The *Navigable Waters Protection Act,* R. S. C. 1906, ch. 115, sec. 27. *Offence:* Failing to give notice or maintain signal or light on obstruction or obstacle to navigation. *Prosecution:* Summary conviction before one Justice of the Peace, &c. *Penalty:* $40 a day. *Special Provision:* Approval of Minister necessary for prosecution in case of non-tidal waters.

2. *Dumping Saw Dust into River.—Statute:* The *Navigable Waters Protection Act,* R. S. C. 1906, ch. 115, sec. 28. *Offence:* Dumping saw dust or rubbish from saw mill into river which is navigable. *Prosecution:* Summary conviction. *Penalty:* First offence, $20; second offence, and subsequent, min., $50. *Special Provisions:* Approval of Minister necessary for prosecution in case of non-tidal waters.

3. *Depositing Rubbish in Navigable Tidal or Non-tidal Waters.—Statute:* The *Navigable Waters Protection Act,* R. S. C. 1906, ch. 115, sec. 29. *Offence:* Depositing stone, gravel, earth or rubbish in navigable tidal waters where there are not at least 12 fathoms of water at extremely low tide; or, in non-tidal waters where there are not at least 8 fathoms of water. *Prosecution:* Summary conviction. *Penalty:* Min., $20; max., $300. *Special Provisions:* Seizure of vessel until penalty paid. Approval of Minister necessary before prosecution in case of non-tidal waters.

4. *Regulations.—Statute:* The *Navigable Waters Protection Act,* R. S. C. 1906, ch. 115, sec. 32. *Offence:* Violating any regulations made under the authority of Part III. of the *Navigable Waters Prot. Act,* R. S. C. 1906, ch. 115. *Prosecution:* Summary conviction. *Penalty:* $50 and costs or ten days' imprisonment, or both fine and imprisonment. (1909, ch. 28, sec. 6).

Navigation—

1. *Interfering with Marine Signals and Buoys.—See* SHIPPING 1.

2. *Mooring Vessels to Navigation Buoys.—See* SHIPPING 2.

3. *Removing Natural Bar Necessary to Harbour.—See* SHIPPING 3.

4. *Sending or Taking Unseaworthy Ships to Sea.—See* SHIPPING 4, 5.

5. *Offences by Masters and Mates.—See* SHIPPING 13-20.

6. *Combining Aboard Ship to Impede Navigation of Vessel. —See* SHIPPING 63.

7. *Inland Waters.—See* SHIPPING 70-87.

8. *Violating Navigation Regulations.—See* SHIPPING 175.

9. *Failing to Render Assistance after Collision.—See* SHIPPING 176.

Necessaries of Life—

1. *Neglecting to Provide Necessaries—Other than Wife or Child under 16 Years.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 244. *Offence:* Any person being bound to perform any duty specified in sections 241, 242, 243 of the Criminal Code, without lawful excuse neglects or refuses to do so, unless the offence amounts to culpable homicide. *Prosecution:* On indictment. *Penalty:* 3 years.

2. *Neglecting to Provide Necessaries—Wife of Child under 16 Years.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 242 (*a*). *Offence:* Any person, who, as a husband, or head of a family, is under a legal duty to provide necessaries for his wife or any child under 16 years of age or, who, as a parent or guardian, is under a legal duty to provide necessaries for any child under 16 years of age, without lawful excuse, neglects or refuses to provide such necessaries for any wife or child in destitute or necessitous circumstances. *Prosecution:* On summary conviction. *Penalty:* $500 or 1 year or both.

Negligence—

1. *Causing Bodily Injury by Neglecting.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 284. *Offence:* Any person, by any unlawful act or by doing negligently or omitting to do any act, which it is his duty to do, causes grievous bodily injury to any other person. *Prosecution:* On indictment. *Penalty:* 2 years.

2. *Neglecting to Obtain Assistance in Child Birth.—See* CONCEALMENT OF BIRTH.

3. *Wantonly Endangering Safety.—See* RAILWAYS—NEGLIGENCE, ENDANGERING PASSENGERS.

4. *Causing Bodily Injury.—See* RAILWAYS—NEGLIGENCE, CAUSING INJURY.

News—

1. *Spreading False News.—See* SPREADING FALSE NEWS 1.

North-West Territories—

(*a*) PRESERVATION OF GAME.

1. *Hunting Buffalo.—Statute:* The *North-west Game Act,* 1917, ch. 36, sec. 4 (4). *Offence:* Any person except as provided in the *North-west Game Act,* 1917, hunting, trapping, taking, killing, shooting at, wounding, injuring or molesting at any time of year, any buffalo or bison. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $500, or less than $100 or 6 months' imprisonment or both.

2. *Hunting Musk-ox, Wapiti or Elk.—Statute:* The *North-west Game Act,* 1917, sec. 4 (5). *Offence:* Any person, except as provided by the *North-west Game Act,* 1917, hunting, trapping, taking, killing, shooting at, wounding, injuring or molesting at any time of the year except in such zones and during such period as the Governor-in-Council may prescribe, any musk-ox, wapiti or elk. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $500 or less than $100 or 6 months' imprisonment or both.

3. *Hunting without License. — Statute:* The *North-west Game Act,* 1917, sec. 4 (9). *Offence:* Any person, except a native-born Indian, Eskimo or half-breed, bona fide resident of the North-west Territories, engaging in hunting, trapping or trading or trafficking in game, without first securing a license. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $200, or less than $50, or 3 months' imprisonment, or both.

4. *Officials Violating North-west Game Act.—Statute:* The *North-west Game Act,* 1917, ch. 36, sec. 10. *Offence:* Any game officer, game warden or peace officer:—1, Violating the *North-west Game Act,* 1917, or regulation made thereunder; *or,* 2, aiding, abetting or conniving at any violation of *North-west Game Act,* 1917, or any regulation made thereunder. *Prosecution:* On summary conviction. *Penalty:* Min., $100; max., $500, or 6 months or both.

5. *Obstructing Game Officers.—Statute:* The *North-west Game Act,* 1917, ch. 36, sec. 11. *Offence:* Any person assaulting, obstructing or interfering with any game officer, game warden, constable or other peace officer in the discharge of any duty under the *North-west Game Act,* 1917, or any regulation

made thereunder. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $200 or less than $50, or imprisonment not exceeding 3 months or both fine and imprisonment under section 18 (*b*).

6. *Furnishing False Information.—Statute:* The *North-west Game Act,* 1917, ch. 36, sec. 12. *Offence:* Any person wilfully furnishing false information to a game officer, game warden or peace officer respecting a violation of the *North-west Game Act,* 1917, or any regulation, the existence of or the place of concealment of any game, nest, or egg, or portion thereof captured, killed or taken in violation of the *North-west Game Act* 1917, or any regulation. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $100, or less than $5 or 2 months' imprisonment, or both.

7. *Violations not Otherwise Provided for.—Statute:* The *North-west Game Act,* 1917, ch. 36, sec. 18. *Offence:* Any person violating any of the provisions of the *North-west Game Act,* 1917, for which no other penalty is specially provided, or any regulation. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $100 or less than $5, or 2 months' imprisonment, or both.

Nuisances—

1. *Criminal "Common" Nuisance.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 222. *Offence:* Any person committing any common nuisance which endangers the lives, safety or health of the public, or which occasions injury to the person of any individual. *Prosecution:* On indictment. *Penalty:* 1 year's imprisonment or fine.

2. *Articles Unfit for Human Food.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 224. *Offence:* Any person knowingly and wilfully exposing for sale, or having in possession with intent to sell for human food, articles which he knows to be unfit for human food. *Prosecution:* On indictment. *Penalty:* First offence, 1 year; second and subsequent conviction, 2 years.

3. *Common Bawdy House.—See* under separate title BAWDY HOUSES.

4. *Common Gaming House.—See* under separate title GAMING.

5. *Common Betting House.—See* under separate title BETTING.

6. *Opium Joint.—See* under separate title OPIUM JOINTS.

7. *Gaming in Stocks, &c.—See* under separate title GAMING.

8. *Gambling in Public Conveyances.—See* under separate title GAMING.

9. *Betting and Book-making.—See* under separate title BETTING.

10. *Lotteries.—See* under separate title LOTTERIES.

11. *Not Burying Dead.—See* under separate title DEAD BODIES.

Oaths—

1. *Administering Oaths without Authority. — Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part IV., sec. 179. *Offence:* Every Justice, or other person administering or causing or allowing to be administered, or receives, or causes or allows to be received any oath or affirmation touching any matter or thing whereof such Justice or other person has not jurisdiction or cognizance by some law in force at the time being or not authorized or required by any such law. *Prosecution:* On indictment. *Penalty:* $50 fine or 3 months' imprisonment.

2. *False Oaths.—See* PERJURY.

Obscenity—

(*a*) ADVERTISEMENTS.

1. *Advertising Certain Drugs and Articles. — Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 207 (*c*). *Offence:* 1, *Drugs or articles to procure abortion.* Any person, knowingly without lawful justification or excuse offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means or instructions, or any medicine, drug or article intended or represented as a means of preventing conception or of causing abortion or miscarriage; 2, *drugs or articles to cure venereal disease.* Any person knowingly, without lawful justification or excuse advertises or publishes an advertisement of any means, instructions, medicine, drug or article for restoring sexual virility or curing venereal disease or diseases of the generative organs. *Prosecution:* On indictment. *Penalty:* 2 years.

(*b*) PICTURES AND BOOKS.

1. *Obscene or Immoral Books or Pictures, &c.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 207 (*a*). *Offence:* Any person knowingly without lawful justification or excuse making, manufacturing, or selling, or exposing for sale or to public view, or distributing or circulating, or causing to

be distributed or circulated or has in his possession for sale, distribution or circulation or assists in such making, manufacture, sale, exposure, having in possession, distributing or circulation, any obscene book or other printed, typewritten or otherwise written matter, or any picture, photograph, model, or other object tending to corrupt morals, or any plate for the reproduction of any such picture or photograph. *Prosecution:* On indictment. *Penalty:* 2 years.

2. *Posting Obscene Books, Photos, Letters. — Statute:* Criminal Code, R. S. C. 1906, sec. 209 (*a*) (*b*). *Offence:* Any person posting for transmission or delivery by or through the post, any obscene, or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph, or any publication, matter or thing of an indecent, immoral or scurrilous character; or, any letter upon the outside or envelope of which, or any post card, or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid. *Prosecution:* On indictment. *Penalty:* 2 years.

Offensive Weapons—

(*a*) GENERALLY.

1. *Weapons in Possession for Purposes Dangerous to Public Peace.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 115. *Offence:* Any person who has in his custody or possession or carries any *offensive weapon* for any purpose dangerous to the public peace. *Prosecution:* On indictment. *Penalty:* 5 years. *Special Provisions:* Limitation of Action, 6 months.

2. *Weapons Carried Openly Creating Terror or Alarm.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 116. *Offence:* Two or more persons openly carrying offensive weapons in a public place in such a manner and under such circumstances as are calculated to create terror and alarm. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* Min., $10; max., $40. Imprisonment in default of payment 30 days. *Special Provisions:* Limitation of Action.

3. *Smuggler Carrying Weapons.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 117. *Offence:* Every person who, while carrying offensive weapons, is found with any goods liable to seizure or forfeiture under any law relating to Inland Revenue, the Customs, Trade or Navigation, knowing

such goods to be so liable. *Prosecution:* On indictment. *Penalty:* 10 years' imprisonment.

4. *Not Having Permit.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 118 (*a*). *Offence:* Everyone who, not having a permit in Form 76 of the Criminal Code has upon his person a pistol, sheath knife, bowie knife, dagger, stiletto, metal knuckles, skull cracker or other offensive weapon that may be concealed upon the person, or any air gun or any device or contrivance for muffling or stopping the sound of the report of any firearm, elsewhere than in his own dwelling-house, shop, warehouse, counting-house or premises. *Prosecution:* On summary conviction. *Penalty:* $100 and costs or 3 months' imprisonment, or both fine and imprisonment. *Special Provisions:* Limitation of Action, 1 month.

5. *Selling or Lending Offensive Weapon.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 118 (*b*). *Offence:* Everyone who sells, or without lawful excuse, gives or lends any pistol, sheath knife, bowie knife, dagger, stiletto, metal knuckles, skull cracker, or other offensive weapon, device or contrivance to any one not being the holder of a permit in Form 76 of the Criminal Code. *Prosecution:* On summary conviction. *Penalty:* $100 and costs or 3 months' imprisonment or both. *Special Provisions:* Limitation of Action, 1 month.

6. *Not Recording Sale of Offensive Weapon.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 118 (*c*). *Offence:* Everyone who, in the case of a sale: 1, Neglects to keep a record of such sale, the date thereof, the name of the purchaser, such sufficient description of the weapon, device or contrivance, sold as may be necessary to identify it, the date and place of the issue of the permit and the name and office of the issuer of the permit; or, 2, neglects to send a duplicate of such record by registered mail to the person who issued such permit; or, 3, neglects to endorse upon such permit the date and place of sale, the said description of the weapon, device or contrivance and the name of the vendor. *Prosecution:* On summary conviction. *Penalty:* $100 and costs, or 3 months, or both. *Special Provisions:* Limitation of Action, 1 month.

7. *Failing to Keep Duplicate Weapon Permit.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 118 (*d*). *Offence:* Everyone who, being authorized to issue a permit issues it without keeping a duplicate thereof, as a record, or having issued a permit fails to keep any record received by him of sales

of weapons, devices or contrivances to the holder thereof. *Prosecution:* On summary conviction. *Penalty:* $100 and costs, or 3 months or both. *Special Provisions:* Limitation of Action, 1 month.

8. *Unlawful Issue of Weapon Permit.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec 118 (*e*). *Offence:* Everyone issuing a permit without lawful authority. *Prosecution:* On summary conviction. *Penalty:* $100 and costs or 3 months or both. *Special Provisions:* Limitation of Action, 1 month.

9. *Selling Pistol or Air Gun to Minor.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 119. *Offence:* Any person selling any firearm, or gives or sells any pistol or air gun or any ammunition therefor to a minor under the age of 16 years, unless he establishes to the satisfaction of the Justice before whom he is charged that he used reasonable diligence in endeavouring to ascertain the age of the minor before making such sale or gift, and that he had good reason to believe that such minor was not under the age of 16 years. *Prosecution:* On summary conviction. *Penalty:* Not exceeding $50. *Special Provisions:* Limitation of Action, 1 month.

10. *Having Pistol or Air Gun when Arrested.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 120. *Offence:* Any person, when arrested either on a warrant issued against him for an offence or while committing an offence, having upon his person, a pistol or air gun. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* Min., $20; max., $50 or 3 months with or without hard labour. *Special Provisions:* Limitation of Action, 1 month. Soldiers and police not affected by this section.

11. *Having Pistol or Air Gun with Intent to Injure any Person.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 121. *Offence:* Any person having upon his person a pistol or air gun with intent therewith unlawfully to do injury to any other person. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* Fine, min., $50; max., $200, or 6 months with or without hard labour. *Special Provisions:* Limitation of Action, 1 month.

12. *Pointing Fircarm or Air Gun at any Person.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 122. *Offence:* Any person without lawful excuse, pointing at another person any firearm or air gun, whether loaded or unloaded. *Pro-*

secution: On summary conviction before two Justices of the Peace. *Penalty:* Fine, min., $10; max., $100 or 30 days with or without hard labour. *Special Provisions:* Limitation of Action, 1 month.

13. *Carrying Certain Offensive Weapons.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 123. *Offence:* Any person carrying about his person, any bowie-knife, dagger, dirk, metal knuckles, skull cracker, slung shot, or other offensive weapon of a like character, or secretly carries about his person any instrument loaded at the end, or sells or exposes for sale publicly or privately any such weapon. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* Fine, min., $10; max., $50, or 3 months' imprisonment, or both. Further term in default of payment of fine not exceeding 3 months. *Special Provisions:* Limitation of Action. 1 month. Soldiers and police not affected by this section.

14. *Carrying Firearm or Air Gun while being Masked or Disguised.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 123 (1). *Offence:* Any person being masked or disguised carrying or having in his possession any firearm or air gun. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* Fine, min., $10; max., $50, or 3 months or both. Further term in default of payment, 3 months. *Special Provisions:* Limitation of Action, 1 month. Soldiers and police not affected by this section.

15. *Carrying Sheath Knife in Town or City.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 124. *Offence:* Any person not being thereto required by his lawful trade or calling being found in any town or city carrying about his person any sheath knife. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* Min., $10; max., $50 or 3 months or both. Imprisonment in default of payment 3 months with or without hard labour. *Special Provisions:* Limitation of Action, 1 month. Soldiers and police not affected by this section.

16. *Offensive Weapons at Public Meetings to be Delivered up to Justice. — Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 126. *Offence:* Any person attending any public meeting or being on his way to attend the same who, upon demand made by any Justice within whose jurisdiction such public meeting is appointed to be held,

declines or refuses to deliver up, peaceably and quietly to such Justice any offensive weapon with which he is armed or which he has in his possession. *Prosecution:* On indictment or the Justice may deal with the case after recording refusal. *Penalty:* On indictment, same as other indictable offences. See section 127, *infra.* Summary procedure by Justice, §8. *Special Provisions:* Limitation of Action, 1 year.

17. *Coming Armed to Public Meeting.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 127. *Offence:* Any person, during any part of the day upon which a public meeting is appointed to be held, comes within one mile of appointed place of meeting armed with any offensive weapon, not being the sheriff, deputy sheriff and justices for district or county, or mayor, justices or other peace officer for city or town, constables and special constables. *Prosecution:* On indictment. *Penalty:* $100 or 3 months or both.

18. *Lying in Wait for Persons Returning from Public Meeting.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 128. *Offence:* Any person lying in wait for any person returning, or expected to return, from any such public meeting with intent to commit an assault upon such person, or, with intent by abusive language, opprobrious epithets or other offensive demeanour directed to, at or against such person to provoke such person or those who accompany him to a breach of the peace. *Prosecution:* On indictment. *Penalty:* $200 or 6 months or both. *Special Provisions:* Limitation of Action, 1 year.

(*b*) Near Public Works.

19. *Possessing Weapons near Public Works.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part III., sec. 146. *Offence:* Any person employed upon or about any public work, within any place in which Part III. of the Criminal Code of Canada is in force, who, upon or after the day named in such proclamation keeps or has in his possession or under his care or control within any such place any weapon. *Prosecution:* On summary conviction. *Penalty:* Min., $2; max., $4 for each weapon.

20. *Receiving or Concealing Arms with Intent.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part III., sec. 147. *Offence:* Any person who, for the purpose of defeating the enforcement of Part III. of the Criminal Code of Canada, receives

or conceals or aids in receiving or concealing, or procures to be received or concealed within any place in which Part III. of Criminal Code is in force, any weapon belonging to or in the custody of any person employed on or about any public work. *Prosecution:* On summary conviction. *Penalty:* Min., $40; max., $100. *Special Provisions:* Moiety of penalty belongs to informer, and other moiety to Dominion Government.

21. *Employees Carrying Weapons. — Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part III., sec. 148. *Offence:* Any person employed on any public work within the meaning of Part III. of Criminal Code of Canada, being found carrying any weapon within any place in which Part III. of the Criminal Code is at the time in force, for purposes dangerous to the public peace. *Prosecution:* On indictment. *Penalty:* None specially mentioned.

22. *Aliens Possessing Weapons without having Permit.— Statute:* Criminal Code, sec. 118 (*d*1). *Offence:* Any person, being an alien, has in his possession any weapon, air gun, device or contrivance, referred to in Code section 118 (*a*) without having a permit in Code Form 76, as amended by 1919, ch. 46, sec. 2. *Prosecution:* Summary conviction. *Penalty:* $100 and costs or 3 months or both.

23. *Carrying or Discharging Firearms on Militia Property without Authority.—Statute:* Criminal Code, sec. 128 (*a*). *Offence:* Any person who, without authority from the Minister of Militia and Defence, carrying or discharging any firearm upon any property or premises under the control or management of the said Minister. *Prosecution:* On summary conviction. *Penalty:* $100 or 60 days' imprisonment, or both.

Oleomargarine—

1. *Manufacturing Oleomargarine in Canada without License. —Statute:* The *Oleomargarine Act*, 1919, sec. 5. *Offence:* Any person manufacturing oleomargarine in Canada without first having obtained from the Minister of Agriculture a license to manufacture same (sec. 5). *Prosecution:* No court specially mentioned. Possibly sec. 1038 Criminal Code would apply. *Penalty:* Min., 25c. a lb. for each pound; max., 50c. a lb. for each pound manufactured contrary to the Act (sec. 9). Smallest penalty $10 (sec. 9).

2. *Selling, Offering for Sale, or Having in Possession Oleomargarine without being Marked "Oleomargarine."— Statute:* The *Oleomargarine Act*, 1919, sec. 7. *Offence:* Any

person selling, offering for sale, or having in possession for sale, any oleomargarine without the packages being marked or labelled "oleomargarine" in accordance with Act or regulations (sec. 7). *Prosecution:* Court not given. Possibly sec. 1038 Criminal Code would apply. *Penalty:* min., 25c. a lb. for each pound; max., 50c. a lb. for each pound manufactured contrary to the Act (sec. 9). Smallest penalty $10 (sec. 9).

Opium and Drugs—

1. *Unlawful Possession or Sale.—Statute: Opium and Drug Act,* 1911, ch. 17, sec. 3. *Offence:* Importing, manufacturing, selling, offering for sale, or having in possession, or taking or carrying or causing to be taken or carried from any place in Canada to any other place in Canada any drug referred to in the *Opium and Drug Act,* for a purpose other than scientific or medicinal. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Recorder, Judge of Sessions. *Penalty:* Fine $500 and costs or 1 year or both. *Special Provisions:* Search warrant. Seizure of drugs. No certiorari. Moiety of fine payable to informant.

2. *Smoking Opium.—Statute: Opium and Drug Act,* 1911, ch. 17, sec. 4 (1). *Offence:* Smoking opium or having opium in possession prepared or being prepared for smoking. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Recorder, Judge of Sessions. *Penalty:* Fine $50 and costs, or 3 months or both. *Special Provisions:* Seizure of drugs. No certiorari. Moiety of fine payable to informant. Search warrants.

3. *Being in Opium Resorts.—Statute: Opium and Drug Act,* 1911, ch. 17, sec. 4 (2). *Offence:* Person without lawful and reasonable excuse being found in any house, room or place to which persons resort for the purpose of smoking or inhaling opium. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Recorder, Judge of Sessions. *Penalty:* Fine $100 and costs, or 1 month or both. *Special Provisions:* Seizure of drugs. No certiorari. Moieties. Search warrants.

4. *Unlawful Dealing.—Statute: Opium and Drug Act,* 1911, ch. 17, sec. 5. *Offence:* Person dealing in any drug under the *Opium and Drug Act,* giving, selling or furnishing same to any person other than a duly authorized and practising physician, veterinary surgeon, or dentist, or to a bona fide wholesale druggist, or to a druggist carrying on business in a bona fide drug

store. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Recorder, Judge of Sessions. *Penalty:* $200 and costs, or 3 months or both. *Special Provisions:* No certiorari. Search warrants. Seizure of drugs. Moieties.

5. *Neglecting to Keep Records.—Statute: Opium and Drug Act,* 1911, ch. 17, sec. 5. *Offence:* Person dealing in any drug under the *Opium and Drug Act,* giving, selling or furnishing any such drug, neglecting to make or preserve a proper record in a suitable book of the name and address of the physician, veterinary surgeon, dentist or druggist to whom he gives, sells or furnishes any drug and the date of the sale. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Recorder, Judge of Sessions. *Penalty:* $200 and costs or 3 months or both. *Special Provisions:* No certiorari. Search warrants. Moieties. Seizure of drugs.

6. *Druggist Unlawfully Furnishing Drugs. — Statute: Opium and Drug Act,* 1911, ch. 17, sec. 5. *Offence:* Druggist giving, selling or furnishing any drug under the *Opium and Drug Act* except upon a written order or prescription signed by a duly authorized and practising physician, veterinary surgeon or dentist. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Recorder, Judge of Sessions. *Penalty:* $200 and costs or 3 months or both.

7. *Druggist Unlawfully Using Prescriptions. — Statute: Opium and Drug Act,* 1911, sec. 5. *Offence:* Druggist without authority of prescribing physician, veterinary surgeon or dentist using any prescription to sell any drug on more than one occasion, or neglecting to make or preserve a proper record in a suitable book of the name of the physician, veterinary surgeon or dentist signing such order or prescription, the date of filling the order or prescription and in the case of a prescription the name of the person for whose use the prescription was granted. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Recorder, Judge of Sessions. *Penalty:* $200 and costs or 3 months or both. *Special Provisions:* Search warrants. Seizure of drugs. No certiorari. Moieties.

8. *Refusing Inspection of Records.—Statute: Opium and Drug Act,* 1911, sec. 5. *Offence:* Druggist refusing to allow records under *Opium and Drug Act* to be examined by any police

officer. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Recorder, Judge of Sessions. *Penalty:* $200 and costs or 3 months or both. *Special Proceedings:* Search warrants. Seizure of drugs. No certiorari. Moieties.

9. *Giving Drugs under Colourable Prescription.—Statute: Opium and Drug Act,* 1911, sec. 5 (2). *Offence:* Physician signing any prescription or order for the filling of which any drug is required unless such drug is required for medicinal purposes or is prescribed for the medical treatment of a person who is under professional treatment by such physician, and any dentist or veterinary surgeon who signs any order for any drug unless such drug is required for medicinal purposes in connection with his practice as a dentist or veterinary surgeon. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Recorder, Judge of Sessions. *Penalty:* $200 and costs or 3 months or both. *Special Provisions:* Search warrants. Seizure of drugs. No certiorari. Moieties.

10. *Unlawful Exportation of Drugs.—Statute: Opium and Drug Act,* 1911, ch. 17, sec. 6. *Offence:* Person without lawful or reasonable excuse, exporting or attempting to export any drug under the *Opium and Drug Act* to any country which prohibits the entry of such drug. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Recorder, Judge of Sessions. *Penalty:* $500 and costs or 6 months or both. *Special Provisions:* No certiorari. Moieties. Search warrants. Seizure of drugs. But see *Opium and Drug Export Act,* 1919.

11. *Importing or Exporting Opium or Cocaine without License.—Statute:* The *Opium and Drug (Amendment) Act,* 1919, ch. 25, sec. 1. *Offence:* Any person importing into, or exporting from Canada, any coca leaves, cocaine or any of their salts or preparations, or any opium or its preparations, without first obtaining a license therefor from the Minister of Health (sec. 1). *Prosecution:* On summary conviction (sec. 1). *Penalty:* $1,000 and costs, or imprisonment not exceeding 1 year, or both fine and imprisonment (sec. 1). *Special Provisions:* This Act forms part of the *Opium and Drug Act,* 1911. [Proclaimed in force from 31st December, 1919]. See Canada Gazette, Vol. liii (Extra 31st December, 1919).

Oysters—

1. *Theft.—See* THEFT 23.
2. *Unlawful Dredging for Oysters.—See* THEFT 24.
3. *Injuring Oyster Bed.—See* FISH AND FISHING 19.

Paris Green—

1. *Selling Adulterated Paris Green.—See* ADULTERATION 6.

Parks and Forests—

1. *Park Regulation.—Statute: Dominion Forest Reserves and Parks Act,* 1911, ch. 10, sec. 20. *Offence:* Person violating any provision of *Dominion Forest Reserves and Parks Act,* 1911, or any regulation made thereunder. *Prosecution:* Summary conviction. *Penalty:* $100 and costs. Imprisonment in default of payment, 6 months with or without hard labour.

2. *Forest Regulations.—See* FORESTS 1.

Passengers—

1. *Carrying more Passengers on Ship than Law Allows.—See* SHIPPING 135.

2. *Omitting to Provide Necessary Gang Boards, Lights, &c., at Landing Place to Ensure Safety of Passengers on Ship.—See* SHIPPING 138.

Patents—

1. *Unmarked Goods.—Statute: Patent Act,* R. S. C. 1906, ch. 69, sec. 64. *Offence:* Selling patented articles without stamp or mark. *Prosecution:* Summary conviction. *Penalty:* $100, imprisonment in default, 2 months.

2. *False Marking.—Statute: Patent Act,* R. S. C. 1906, ch. 69, sec. 65. *Offence:* Falsely marking article as patented. *Prosecution:* Indictment. *Penalty:* $200 or alternative 3 months' imprisonment, or both fine and imprisonment.

3. *Deceit.—Statute: Patent Act,* R. S. C. 1906, ch. 69, sec. 65 (*c*). *Offence:* Offering for sale, as patented, any article not patented in Canada, for purpose of deceiving public. *Prosecution:* Indictment. *Penalty:* $200, or imprisonment, in alternative, 3 months, or both fine and imprisonment.

4. *False Entries.—Statute: Patent Act,* R. S. C. 1906, ch. 69, sec. 66. *Offence:* Making certain false entries in registers or on copies, or tendering same in evidence. *Prosecution:* Indictment. *Penalty:* Not mentioned.

Patent Medicines—*

1. *Improper Use of Certificate or License.—Statute: Proprietary and Patent Medicine Act,* 1908, ch. 56, sec. 10. *Offence:* Any manufacturer, importer or vendor violating section 10 which prohibits advertising the certificate of registration as a guarantee of the merits of the patent medicine. *Prosecution:* Summary conviction before two Justices of the Peace, or Police Magistrate, or Judge. *Penalty:* First offence, $50 and costs; subsequent offences, min. $100 and costs; max., $500 and costs. *Special Provisions:* Cancellation of registration certificate, Part XV. Criminal Code applied.

2. *Forgery of Label or Certificate.—Statute: Proprietary and Patent Medicine Act,* 1908, ch. 56, sec. 11. *Offence:* Person, firm, or corporation, unlawfully using, forging or altering or knowing it to be forged, or altered, uses any manufacturers' label or certificate required under the *Proprietary and Patent Medicine Act. Prosecution:* Summary conviction before two Justices of the Peace or Police Magistrate or Judge. *Penalty:* Min., $100 and costs; max., $500 and costs, and imprisonment in addition, not less than 3 months, nor more than 12 months, with or without hard labour. *Special Provisions:* Part XV. Criminal Code applied.

3. *False Statement in Application for Certificate for Registration of Patent Medicine.—Statute:* The *Proprietary or Patent Medicines Act,* 1908, ch. 56, sec. 3, as amended 1919, ch. 66, sec. 1. *Offence,* Any person furnishing the Minister with a statement that is incorrect or false when applying for a certificate of registration under section 3 of the *Proprietary and Patent*

* PATENT MEDICINES—*Prosecution Procedure.*—Part XV. of the Criminal Code is applicable to prosecutions under the *Proprietary and Patent Medicines Act,* 1908, but the wording of the sections which incorporates these provisions is peculiar, and are here given in full:—

"15. Every *penalty* or forfeiture incurred for any offence against this Act, or any regulation thereunder, may be recovered in the name of His Majesty in a summary manner with costs, under the provisions of Part XV. of the Criminal Code.

"16. Any term of imprisonment for an offence against the provisions of this Act, whether in conjunction with a pecuniary penalty or not, may be adjudged and ordered: (*a*) By the Exchequer Court of Canada, or any court of record, having jurisdiction in the premises; or (*b*) if such term of imprisonment does not exceed 12 months, exclusive of any term of imprisonment adjudged or ordered for non-payment of any pecuniary penalty, whether the offence in respect of which the liability to imprisonment has been incurred is declared by this Act to be an indictable offence or not, in a summary manner under the provisions of Part XV. of the Criminal Code by a Judge of a County Court, or by a police or stipendiary magistrate, or any two justices of the peace having jurisdiction in the place where the cause of prosecution arises, or wherein the defendant is served with process."

Medicine Act, 1908 (sec. 3). *Prosecution:* Before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, County Court Judge or Exchequer Court (sec. 16). *Penalty:* $100 and costs or 2 months' imprisonment, such penalty to be in addition to the punishment to which he may be liable for making a false or incorrect statement under oath (sec. 3). *Special Provisions:* Minister can cancel the certificate of registration (sec. 3 (2). (1919, ch. 66, sec. 1).

4. *Preparation of Medicine to be Continually Supervised.—Statute:* The *Proprietary and Patent Medicines Act*, 1908, ch. 56, sec. 3 (3), as amended 1919, ch. 66, sec. 1. *Offence:* Whenever required by the Minister, for good cause shown, the preparation of any medicine containing any drug included in the Schedule to the *Proprietary and Patent Medicines Act*, 1908, must be continually supervised by a pharmacist or a chemist, it is an offence if any person violates this section by making such preparation otherwise than as required by the Minister (sec. 3 (3). *Prosecution:* Before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, County Court Judge, Exchequer Court (sec. 16). *Penalty:* $100 and costs or 2 months' imprisonment (sec. 3 (3)). (1919, ch. 66, sec. 1).

5. *Failing to Observe Provisions of the Proprietary and Patent Medicines Act, 1908.—Statute:* The *Proprietary and Patent Medicines Act*, 1908, ch. 56, sec. 12. *Offence:* Any person, firm, or corporation, failing to observe any provision of the *Proprietary or Patent Medicines Act*, 1908, for which a specific penalty has not been provided (sec. 12). *Prosecution:* Under Part XV. Criminal Code (sec. 15). *Penalty:* First offence $50 and costs; subsequent offences, $100 and costs and cancellation of certificate of registration (sec. 12). *Special Provisions:* Penalties incurred under the *Proprietary or Patent Medicines Act*, 1908, are in addition to the penalties incurred under provincial Statutes (sec. 16 (*a*)).

6. *Importing Medicinal Preparations without being Marked "Alcoholic" or "Non-alcoholic."—See* CUSTOMS.

Pawn Brokers—

1. *Pawnbroker Exacting Unlawful Rate.—Statute: Pawnbrokers' Act*, R. S. C. 1906, ch. 121, sec. 7. *Offence:* Stipulating for or taking a hgher rate than prescribed by the *Pawnbrokers' Act*. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $50.

2. *Forging Pawnbrokers' Notes.—Statute: Pawnbrokers' Act*, R. S. C. 1906, ch. 121, sec. 8. *Offence:* Forging, counter-

feiting or uttering pawnbrokers' notes, with intent to defraud. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* 3 months' imprisonment. *Special Provisions:* Arrest without warrant of offender.

3. *Disposing of Stolen Goods to Pawnbroker.—Statute: Pawnbrokers' Act,* R. S. C. 1906, ch. 121, secs. 10-11. *Offence:* Offering to pawnbroker stolen goods or goods to which the person offering has no title or colour of right. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* 3 months' imprisonment. *Special Provisions:* Arrest without warrant and detention until examination by Justice into ownership of goods.

Penny Banks—

1. *Wrongfully Disposing of Moneys of Bank.—Statute:* The *Penny Bank Act,* R. S. C. 1906, ch. 31, sec. 40. *Offence:* Wilfully disposing of or concurring in disposing of any moneys received by the Bank in a way not authorized by the Act for the disposition thereof. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Penalty:* Imprisonment for a term not exceeding two years (sec. 40).

2. *False Statement Respecting Affairs of Bank. Statute:* The *Penny Bank Act,* R. S. C. 1906, ch. 31 sec. 41. *Offence:* Wilfully making a false or deceptive statement in any account, statement, return, report, certificate or other document, respecting the affairs of the Bank. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Punishment:* Imprisonment for a term not exceeding five years, unless under some other Act or law the particular offence committed is punishable with imprisonment for a longer term. *Additional Punishment:* In addition to the above punishment there is a responsibility for all damages sustained by any person in consequence of such act on the part of such persons (sec. 42).

Penitentiaries—

1. *Contracts.—Statute: Penitentiaries Act,* R. S. C. 1906, ch. 147, sec. 66. *Offence:* Furnishing or supplying materials for use in penitentiary while being an officer of the Department of Justice, or a warden or officer employed in any penitentiary. *Prosecution:* Court of competent jurisdiction. *Penalty:* $500 and costs. Recoverable by any person suing.

2. *Conveying Forbidden Articles to Convicts.—Statute: Penitentiaries Act,* R. S. C. 1906, ch. 147, sec. 67. *Offence:*

Conveying forbidden articles to or trafficking with convicts on the part of officer, servant in penitentiary or other person. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $100 or 3 months' imprisonment with hard labour.

3. *Misuse of Transportation Ticket on Release.—Statute: Penitentiaries Act,* R. S. C. 1906, ch. 147, sec. 68. *Offence:* Using money or transportation given convict on discharge for any purpose other than that for which the same was intended. *Prosecution:* Summary conviction. *Penalty:* Imprisonment 3 months.

4. *Trespassing on Penitentiary Grounds.—Statute: Penitentiaries Act,* R. S. C. 1906, ch. 147, sec. 69. *Offence:* Trespassing upon penitentiary grounds or found loitering on a street or highway adjacent thereto. *Prosecution:* Summary conviction. *Penalty:* First offence $10, and in default 1 month with or without hard labour; subsequent offence, $50, and in default 3 months with or without hard labour.

5. *Mooring Vessel Near Penitentiary.—Statute: Penitentiaries Act,* R. S. C. 1906, ch. 147, sec. 70. *Offence:* Mooring or anchoring raft or vessel of any kind within 300 feet of shore or wharf bounding penitentiary. *Prosecution:* Summary conviction before one Justice of the Peace, &c. *Penalty:* $20 and in default 2 months with hard labour, or both fine and imprisonment. *Special Provisions:* Seizure of vessel and sale for payment of penalty.

Pensions—

1. *Obtaining Militia Pension by Fraud. — Statute:* The *Militia Pension Act,* R. S. C. 1906, ch. 42, sec. 22. *Offence:* (Sec. 22). Obtaining pension under the *Militia Pensions Act,* by any false representation, or false evidence, or by personation, or by malingering or feigning disease or infirmity or by maiming or injuring himself or causing himself to be maimed or injured or otherwise producing disease or infirmity or by any fraudulent conduct. *Procedure:* On summary conviction under Part XV. of Criminal Code of Canada (sec. 22(2)). *Court:* Any Court of competent summary jurisdiction. *Penalty:* Fine not exceeding $100 or imprisonment with or without hard labour for a period not exceeding twelve months (sec. 22). *Special Provision:* Forfeiture of pension. This is provided for in sec. 22.

2. *Obtaining R. N. W. M. P. Pension by Fraud. — See* R. N. W. M. P. 7.

GREAT WAR.

3. *False Representation or Fraud in Obtaining War Pension.—Statute: Pension Act,* 1919, ch. 43, sec. 42. *Offence:* Any person, by any false representation, personation or fraud obtaining or attempting to obtain a pension for himself or for any other person (sec. 42). *Prosecution:* On summary conviction (sec. 42). *Penalty:* 2 years' imprisonment or fine not exceeding $1,000, or both fine and imprisonment (sec. 42).

4. *Inducing Pensioner to Assign, Charge or Attach his War Pension.—Statute: Pension Act,* 1919, ch. 43, sec. 43. *Offence:* Any person lending or giving or attempting to lend or give money or credit or any other consideration for the assignment, charging, attachment, anticipation, commutation or giving as security of a pension (sec. 43). *Prosecution:* Summary conviction (sec. 43). *Penalty:* 1 year's imprisonment, or $500 or both imprisonment and fine (sec. 43). *Special Provisions:* This section (43) does not apply to loans, credits, or consideration made or given without interest or other profit by the Canadian Patriotic Fund, or by any other benevolent or patriotic corporation, society or association approved by the Commissioners (sec. 43).

5. *Collecting Fees or Charges on Application for War Pension.—Statute: Pension Act,* 1919, ch. 43, sec. 44. *Offence:* Any person collecting or attempting to collect any fees or charges for services rendered with respect of any application for a pension, the amount of which fees or charges has not been approved by the Commission (sec. 44). *Prosecution:* On summary conviction (sec. 44). *Penalty:* 6 months' imprisonment, or $500 fine or both imprisonment and fine (sec. 44).

6. *False Statements under Oath or Otherwise in Connection with War Pension Application.—Statute: Pension Act,* 1919, ch. 43, sec. 45. *Offence:* Any person wilfully making any false statement under oath to the Commission with reference to any pension or application for pension (sec. 45). *Prosecution:* On summary conviction (sec. 45). *Penalty:* 6 months' imprisonment or $500 or both imprisonment and fine (sec. 45).

Perjury and False Oaths—

1. *Perjury—Subornation of Perjury.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part IV., sec. 174. *Offence:* Any person committing perjury or subornation of perjury. *Prosecution:* On indictment. *Penalty:* 14 years. *Increased Penalty:* If the crime is committed in order to procure the conviction of

a person for any crime punishable by death, or imprisonment for 7 years or more, the punishment may be imprisonment for life. *Special Provisions:* Definitions. Judicial proceedings. Evidence. Witness.

2. *False Affidavits, &c.—Within Province.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part IV., sec. 172. *Offence:* 1, *False Statement under Oath:* Any person having taken or made any oath, affirmation, solemn declaration, or affidavit where, by any Act or law in force in Canada, or in any province of Canada, it is required or permitted that facts, matters, or things be verified, or otherwise assured or ascertained by or upon the oath, affirmation, declaration or affidavit of any person, wilfully and corruptly, upon such oath, affirmation, declaration or affidavit, deposes, swears to or makes any false statement as to any such fact, matter or thing; 2, *False Oath in Verification of Statement:* Any person knowingly, wilfully and corruptly, upon oath, affirmation, or solemn declaration, affirms, declares or deposes to the truth of any statement for so verifying, assuring or ascertaining any such fact, matter or thing or purporting so to do, or knowingly, wilfully and corruptly takes, makes, signs or subscribes any such affirmation, declaration or affidavit as to any such fact, matter, or thing, if such statement, affidavit, affirmation or declaration is untrue in whole or in part. *Prosecution:* On indictment. *Penalty:* Under sec. 174, 14 years. Increased penalty in case perjury is committed in order to procure the conviction of a person for any crime punishable by death, or imprisonment for 7 years or more, the penalty is increased by section 174, sub-sec. (2) to imprisonment for life. *Special Provisions:* Definitions. Evidence.

3. *False Affidavits, &c.—Out of Province.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part IV., sec. 173. *Offence:* Any person wilfully and corruptly making any false affidavit, affirmation or solemn declaration, out of the province in which it is to be used but within Canada, before any person authorized to take the same, for the purpose of being used in any province of Canada, is guilty of perjury in like manner as if such false affidavit, affirmation or declaration were made before a competent authority in the province in which it is used or intended to be used. *Prosecution:* On indictment. *Penalty:* Under section 174, 14 years.

4. *Extra-Judicial Proceedings—Oaths.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part IV., sec. 175. *Offence:* Any

person who, being required or authorized by law to make any statement on oath, affirmation, or solemn declaration thereupon, makes a statement which would amount to perjury if made in a judicial proceeding. *Prosecution:* On indictment. *Penalty:* 7 years.

5. *Extra-Judicial Proceedings — Statements. — Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part IV., sec. 176. *Offence:* Any person who, upon any occasion on which he is permitted by law to make any statement or declaration before any officer authorized by law to permit it to be made before him or before any notary public, to be certified by him as such notary, makes a statement which would amount to perjury if made on oath in a judicial proceeding. *Prosecution:* On indictment. *Penalty:* 2 years.

6. *False Declaration Respecting Executing Death Sentence. —Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part IV., sec. 184. *Offence:* Any person knowingly and wilfully signing a false certificate or declaration, when a certificate or declaration is required, with respect to the execution of judgment of death on any prisoner. *Prosecution:* On indictment. *Penalty:* 2 years.

Personation—

1. *Personating Another with Intent to Obtain Property by Fraud.—Statute:* Criminal Code, sec. 408. *Offence:* Any person, with intent fraudulently to obtain any property, personates any person, living or dead, or the administrator, wife, widow, next of kin or relation of any person. *Prosecution:* On indictment. *Penalty:* 14 years.

2. *Personating Another at Examinations.—Statute:* Criminal Code, sec. 409. *Offence:* Any person falsely with intent to gain some advantage for himself or some other person, personates a candidate at any competitive or qualifying examination held under the authority of any law or statute, or any connection with any university or college, or who procures himself or any other person to be personated at any such examination or who knowingly avails himself of the results of such personation. *Prosecution:* On indictment, or on summary conviction. *Penalty:* 1 year or $100 fine.

3. *Personation of Owner of Government Stock. — Statute:* Criminal Code, sec. 410 (*a*). *Offence:* Any person falsely and deceitfully personating any owner of any share or interest of or in any stock, annuity or other public fund transferable in any book of account kept by the Government of Canada or of

any province thereof or by any bank for any such Government. *Prosecution:* On indictment. *Penalty:* 14 years.

4. *Personation of Owner of Company Stock.—Statute:* Criminal Code, sec. 410 (*b*). *Offence:* Any person falsely and deceitfully, personating any owner of any share or interest of or in the debt of any public body, or of or in the debt or capital stock of any body corporate, company or society. *Prosecution:* On indictment: *Penalty:* 14 years.

5. *Personation of Owner of Dividend or Coupon Certificate. —Statute:* Criminal Code, sec. 410 (*c*). *Offence:* Any person falsely and deceitfully personating any owner of any dividend, coupon, certificate or money payable in respect of any such share or interest, or as aforesaid. *Prosecution:* On indictment. *Penalty:* 14 years.

6. *Personation of Owner of Free Grant of Land, Money or Scrip.—Statute:* Criminal Code, sec. 410 (*d*). *Offence:* Any person falsely and deceitfully personating any owner of any share or interest in any claim or grant of land from the Crown or for any scrip or other payment or allowance in lieu of such grant of land. *Prosecution:* On indictment. *Penalty:* 14 years.

7. *Personation of Person Acting under Power of Attorney.— Statute:* Criminal Code, sec. 410 (*e*). *Offence:* Any person falsely and deceitfully personating any person duly authorized by any power of attorney to transfer any such share or interest, or to receive any dividend, coupon, certificate or money on behalf of the person entitled thereto. *Prosecution:* On indictment. *Penalty:* 14 years.

8. *Acknowledging Instrument in Name of Another.— Statute:* Criminal Code, sec. 411. *Offence:* Any person without lawful authority or excuse, the proof of which shall lie on him, acknowledging in the name of any other person before any Court, Judge or other person, lawfully authorized in that behalf, any recognizance of bail, or any *cognovit actionem*, or consent for judgment, or judgment, or any deed or other instrument. *Prosecution:* On indictment. *Penalty:* 7 years.

9. *Personating R. N. W. M. P. Officer.—See* R. N. W. M. P. 4.

10. *Personating Member of Militia on Parade.—See* MILITARY 21.

11. *Personating Voter at Dominion Election. — See* DOMINION ELECTIONS 28-30.

12. *Military Voter under Military Voters' Act.—See* DOMINION ELECTIONS 38.

Petroleum and Naphtha—

1. *Keeping Petroleum or Naphtha not Duly Entered and Inspected.—Statute: Petroleum and Naphtha Inspection Act,* R. S. C. 1906, ch. 86, sec. 31. *Offence:* Keeping or offering for sale, or having in possession imported petroleum or naphtha not inspected and entered through authorized port of entry. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* First offence, $100 and costs; subsequent offence $500 and costs. Distress. Period of 30 days allowed for payment of fine, after which imprisonment in default can be provided. Min., 2 months; max., 6 months. *Special Provisions:* One moiety of penalty belongs to informant or complainant. Other moiety to Dominion Government. Limitation of Action, 6 months. Forfeiture of petroleum or naphtha.

2. *Removing Petroleum or Naphtha before Inspection.—Statute: Petroleum and Naphtha Inspection Act,* R. S. C. 1906, ch. 86, sec. 32. *Offence:* Refiner removing from manufactory petroleum or naphtha before inspection. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* First offence, $100 and costs; subsequent offence, $500 and costs. *Special Provision:* Distress. Period of 30 days allowed for payment of fine, after which imprisonment, in default, is provided; min., 2 months; max., 6 months. Moiety of penalty belongs to informant. Other moiety belongs to Dominion Government. Limitation of Action, 6 months. Forfeiture of petroleum or naphtha.

3. *Failing to Keep Petroleum or Naphtha in Accordance with Act.—Statute: Petroleum and Naphtha Inspection Act,* R. S. C. 1906, ch. 86, sec. 33. *Offence:* Person keeping or offering for sale or having in possession, except in a licensed petroleum refinery in Canada or in a Customs Bonding warehouse any petroleum or naphtha which is not in conformity with the *Petroleum and Naptha Inspection Act,* R. S. C. 1906, ch. 86. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* First offence, $20; subsequent offences $50. *Special Provisions:* Distress. Period of 30 days allowed for payment of fine, after which imprisonment in default may be awarded; min., 2 months; max., 6 months. One moiety of fine belongs to informant. Other moiety to Dominion Government. Limitation of Action, 6 months. Forfeiture of petroleum or naphtha. (R. S. C. 1906, ch. 86, sec. 33, as amended 1913, ch. 37, sec. 4).

4. *Storing Petroleum. — Statute: Petroleum and Naphtha Inspection Act,* R. S. C. 1906, ch. 86, sec. 35. *Offence:* Keeping or storing petroleum or naphtha in non-compliance with provisions of Act, Order-in-Council, or departmental regulations. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* First offence, $25; subsequent offence, $50. *Special Provisions:* Distress. Period of 30 days allowed for payment of fine, after which imprisonment, in default, is provided: min., 2 months; max., 6 months. One moiety belongs to informant. Other moiety to Dominion Government. Limitation of Action, 6 months. Forfeiture of petroleum or naphtha.

5. *Refining without a License.—Statute: Petroleum and Naphtha Inspection Act,* R. S. C. 1906, ch. 86, sec. 36. *Offence:* Manufacturing or refining without license any petroleum or naphtha. *Prosecution:* Indictment. *Penalty:* First offence, min., $25; max., $100; subsequent offence, $500. *Special Provisions;* Forfeiture of goods found. Limitation, 6 months.

6. *Assuming Title of Inspector.—Statute: Petroleum and Naphtha Inspection Act,* R. S. C. 1906, ch. 86, sec. 37. *Offence:* Assuming the title or office of inspector, or issuing bill, certificate or declaration purporting to establish quality. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* $100. *Special Provisions:* Distress. Period of 30 days allowed for payment of fine, after which imprisonment in default is provided: min., 2 months; max., 6 months. Moiety of penalty belongs to informant. Other moiety to Dominion Government. Limitation of Action, 6 months.

7. *Violation of Act or Neglect of Duty.—Statute: Petroleum and Naphtha Inspection Act,* R. S. C. 1906, ch. 86, sec. 38. *Offence:* Violating any provision of Act, or neglecting duty imposed by Act or regulation where no penalty is specially provided. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* Min., $10; max., $100. *Special Provisions:* Distress. Period of 30 days allowed for payment of fine, after which imprisonment in default is provided: min., 2 months; max., 6 months. Moiety of penalty belongs to informant. Other moiety to Dominion Government. Limitation of Action, 6 months.

Piers—

1. *Wilful Damage.—See* PROPERTY 8.

Pigeons—

1. *Unlawfully Injuring Pigeons.—Statute:* Criminal Code, sec. 393. *Offence:* Any person unlawfully and wilfully killing, wounding or taking any house dove, or pigeon, under such circumstances as do not amount to theft. *Prosecution:* On summary conviction on complaint of owner. *Penalty:* $10 over and above value of bird.

Pilots—

1. *Offences by or Against Shipping Pilots.—See* SHIPPING 88-120.

2. *Neglecting Duties under Immigration Act.—See* IMMIGRATION 17.

Piracy—

1. *Piracy by the Law of Nations.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 137. *Offence:* Any person doing any act which amounts to piracy by the law of nations. *Prosecution:* On indictment. *Penalty:* Death, in cases where in committing or attempting to commit such crime the offender murders, attempts to murder or wounds any person, or does any act by which the life of any person is likely to be endangered. Life imprisonment in all other cases.

2. *Piracy under Section 138 of Code.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 138. *Offence:* Any person within Canada, doing any of the piratical acts specified in section 138 of the Criminal Code of Canada, or who, having done any of such piratical acts, comes or is brought within Canada without having been tried therefor. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

3. *Piracy with Violence.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 139. *Offence:* Any person who, in committing or attempting to commit any piratical act, assaults with intent to murder, or wounds any person or does any act likely to endanger the life of any person. *Prosecution:* On indictment. *Penalty:* Death.

4. *Not Resisting Pirate.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 140. *Offence:* Any person who, being a master, officer or seaman of any merchant ship which carries guns and arms, does not, when attacked by any pirate, fight and endeavours to defend himself and his vessel from being taken by such pirate or who discourages others from defending the ship, if by reason thereof the ship falls into the hands of

such pirate. *Prosecution:* On indictment. *Penalty:* 6 months' imprisonment, forfeiture of all wages due.

Plants—

1. *Injuring Cultivated Plants and Roots.—Statute:* Criminal Code, sec. 535. *Offence:* Any person wilfully destroying or damaging with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine or for distilling or for dyeing, or for or in the course of any manufacture, and growing in any land, open or enclosed, not being a garden, orchard or nursery ground. *Prosecution:* On summary conviction. *Penalty:* First offence fine not exceeding $5 over and above the amount of injury done, or one month with or without hard labour; second offence, 3 months hard labour.

Plated Articles—

1. *False Marking.—See* GOLD AND SILVER 7-10.

Poison—

1. *Attempted Murder by Poisoning.—See* MURDER 5.

2. *Administering Poison with Intent to Injure or Annoy.—See* DRUGS 4, 5.

Police—

(*a*) CONSTABLES, SHERIFFS, CORONERS.

1. *Misconduct in Execution of Writs and Process.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part IV., sec. 166. *Offence:* Any person who, being a sheriff, deputy sheriff, coroner, elisor, bailiff, constable, or other officer entrusted with the execution of any writ, warrant or process, wilfully misconducts himself in the execution of the same, or wilfully, and without the consent of the person in whose favour the writ, warrant or process was issued, makes any false return thereto. *Prosecution:* On indictment. *Penalty:* Under section 1052 possibly 5 years, or a fine of such an amount as the Court in its discretion may deem fit under section 1029.

2. *Neglect to Aid Police.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part IV., sec. 167. *Offence:* Any person who, having reasonable notice that he is required to assist any sheriff, deputy sheriff, mayor or other head officer, justice, magistrate, or peace officer, in the execution of his duty in arresting any person, or preserving the peace, without reasonable excuse omits to do so. *Prosecution:* On indictment. *Penalty:* 6 months' imprisonment.

3. *Obstructing Bailiff or Peace Officer.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part IV., sec. 169. *Offence:* Any person resisting or wilfully obstructing: (*a*) Any peace officer in the execution of his duty or any person acting in aid of such officer; (*b*) any person in lawful execution of any process against any lands or goods or in making any lawful distress or seizure. *Prosecution:* On indictment or on summary conviction before two Justices of the Peace. *Penalty:* 1, indictment, 2 years; 2, summary conviction, 6 months with hard labour or $100 fine. *Special Provisions.*

4. *Obstructing Entry of Constable or Officer Entering Disorderly House.—See* DISORDERLY HOUSES.

5. *Falsely Representing Peace Officer.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part IV., sec. 169A. *Offence:* Any person falsely representing himself to be a constable or other peace officer; or, not being a constable or other peace officer, making use of any badge or article of uniform or equipment in such a manner as is likely to make persons believe that he is a constable or other peace officer. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $100 and costs or 3 months' imprisonment or both.

(*b*) DOMINION POLICE.

6. *Neglect of Duty by Dominion Police.—Statute: Dominion Police Act,* R. S. C. 1906, ch. 92, sec. 7. *Offence:* Police constable disobeying orders, neglecting duty, or guilty of misconduct. *Prosecution:* Summary conviction before one Justice of the Peace, Commissioner of Police, or Police Magistrate. *Penalty:* $40 and costs. Imprisonment in default, 3 months. *Special Provisions:* Fines imposed by Commissioner of Police go to Dominion Government.

(*c*) QUEBEC HARBOUR POLICE.

7. *Neglect of Duty: Statute: Quebec Harbour and River Police Act,* R. S. C. 1906, ch. 117, sec. 12. *Offence:* Disobeying orders, neglecting duty. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Judge of Sessions of Peace. *Penalty:* $20 and costs. Imprisonment in default, 3 months. Penalties payable to Minister of Finance for Dominion Government Consolidated Revenue.

8. *Neglecting to Pay Tonnage Duty—Statute: Quebec Harbour and River Police Act,* R.S.C. 1906, ch. 117, sec. 13. *Offence:*

Master leaving port without paying tonnage duty (if any) payable on his vessel. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Judge of Sessions of Peace. *Penalty:* $50. Penalty payable into General Revenue Dominion Government.

(*d*) ROYAL NORTH-WEST MOUNTED POLICE.

9. *Unlawful Acts and Offences by Members of the R. N. W. M. P.—See* R. N. W. M. POLICE.

Pollution—

1. *Navigable Rivers.—See* NAVIGABLE WATERS PROTECTION 1-4.

2. *Rivers by Throwing Diseased Carcasses into Same.—See* CONTAGIOUS DISEASES 5.

Polygamy—

1. *Practising Polygamy or Contracting Polygamous Marriage.—Statute: Criminal Code,* R. S. C. 1906, ch. 146, sec. 310 (*a*). *Offence:* Any person practising, or, by the rites, ceremonies, forms, rules, or customs, of any denomination, sect or society, religious or secular, or by form of contract, or by mere mutual consent or by any other method whatsoever, and whether in a manner recognized by law as a binding form of marriage or not, agrees or consents to practise or enter into any form of polygamy, any kind of conjugal union with more than one person at the same time, or what among the persons called Mormons is known as a spiritual or plural marriage. *Prosecution:* On indictment. *Penalty:* 5 years and $500 fine.

2. *Other Polygamous Offences.—Statute:* Criminal Code, R. S. C. 1906, sec. 310 (*b*), (*c*), (*d*), (*e*). *Offence:* 1, Cohabitation in conjugal union. Any person living, cohabiting or agreeing or consenting to live or cohabit in any kind of conjugal union with a person who is married to another, or with a person who lives or cohabits with another or others in any kind of conjugal union. 2, *Celebrating Rite.*—Any person celebrating is a party to or assists in any rite or ceremony which purports to make binding or to sanction any of the sexual relationships mentioned in sec. 310 (*a*). 3, *Assists in Compliance.*—Any person procuring, enforcing, enabling, is a party to or assists in the compliance with or carrying out of any form, rule or custom which purports to make binding or to sanction any of the sexual relationships mentioned in section 310 (*a*). 4, *Procuring Contract.*—Any

person procuring, enforcing, enabling, is a party to, or assists in the execution of any form of contract which purports to make binding or to sanction any of the sexual relationships mentioned in section 310 (*a*), or the giving of any consent which so purports. *Prosecution:* On indictment. *Penalty:* 5 years and $500.

Post Office—

1. *Disobeying Summons.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 18. *Offence:* Refusing to appear or to give evidence at post office inquiry or investigation after being served with subpœna. *Prosecution:* Order of judge or magistrate who issued subpœna. *Penalty:* Committal for contempt, 14 days' imprisonment.

2. *Opening Letter-bag.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 117. *Offence:* Opening letter-bag or taking letter out of letter-bag. *Prosecution:* Indictment. *Penalty:* 5 years.

3. *Money Order Frauds.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 118. *Offence:* Unlawfully issuing money order with fraudulent intent. *Prosecution:* Indictment. *Penalty:* Min., 3 years.

4. *Forging Stamps.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 119 (*a*). *Offence:* Forging, counterfeiting or imitating postage stamp. *Prosecution:* Indictment. *Penalty:* Min., 5 years; max., life.

5. *Using Forged Stamps.—Statute: Post Office Act,* 1906, ch. 66, sec. 119 (*b*). *Offence:* Knowingly using any forged counterfeited or imitated postage stamp. *Prosecution:* Indictment. *Penalty:* Min., 5 years; max., life.

6. *Plates and Dies.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 119 (*c*). *Offence:* Engraving, cutting, sinking or making any plate, die or other thing to forge counterfeit or imitate postage stamps. *Prosecution:* Indictment. *Penalty:* Min., 5 years; max., life.

7. *Possessing Plates and Dies.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 119 (*d*). *Offence:* Having in possession plate, die or other thing for forging counterfeit or imitating postage stamp. *Prosecution:* Indictment. *Penalty:* Min., 5 years; max., life.

8. *Forging Signatures, &c.—Statute: Post Office Act,* R.S.C. 1906, ch. 66, sec. 119 (*e*). *Offence:* Forging, counterfeiting or

unlawfully imitating franking signature or prepaid stamp. *Prosecution:* Indictment. *Penalty:* Min., 5 years; max., life.

9. *Forging Money Orders.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 120. *Offence:* Forging post office money order, advice or signature thereon, with intent to defraud. *Prosecution:* Indictment. *Penalty:* Min., 2 years; max., 7 years.

10. *Secreting Mail.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 121. *Offence:* Unlawfully opening, secreting, delaying or detaining post letter bag, or post-letter. *Prosecution:* Indictment. *Penalty:* Not mentioned.

11. *Explosive Substances.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 122. *Offence:* Inclosing explosive substance in letter or package sent by post, or putting liquid or destructive substance into post office box. *Prosecution:* Indictment. *Penalty:* Not mentioned.

12. *Inclosing Letters.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 123. *Offence:* Inclosing letter or post card in parcel forwarded by parcel post or in other mailable matter. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Min., $10; max., $40. Fine goes to Dominion Government.

13. *Removing Marks.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 124. *Offence:* Removing postage stamps or marks with fraudulent intent. *Prosecution:* Indictment. *Penalty:* Not mentioned.

14. *Obstructing Mail.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 125. *Offence:* Abandoning, obstructing or wilfully delaying mail car, train or conveyance on railway or highway. *Prosecution:* Indictment. *Penalty:* Not mentioned.

15. *Drunkenness.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 126. *Offence:* Being drunk on duty as a mail carrier, or is negligent or guilty of misconduct. *Prosecution:* Indictment. *Penalty:* Not mentioned.

16. *Closing Toll-gate.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 127. *Offence:* Refusing to allow mail to pass through toll-gate. *Prosecution:* Indictment. *Penalty:* Not mentioned.

17. *Ferry.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 128. *Offence:* Detaining mail at ferry. *Prosecution:* Indictment. *Penalty:* Not mentioned.

18. *Issuing Money Orders before Payment.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 129. *Offence:* Issuing

money order before receiving payment therefor. *Prosecution:* Indictment. *Penalty:* Not mentioned.

19. *Records.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 130. *Offence:* Postmaster destroying or mutilating official records or refusing to produce to inspector. *Prosecution:* Indictment. *Penalty:* Not mentioned.

20. *Pledging Stamps.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 131. *Offence:* Postmaster pledging stamps or attempting to do so. *Prosecution:* Indictment. *Penalty:* Not mentioned.

21. *Regulations.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 132. *Offence:* Wilfully violating any regulation lawfully made under *Post Office Act. Prosecution:* Indictable if made so by regulation. *Penalty:* Not mentioned. See sec. 9 R. S. C. 1906, ch. 66, as amended by 1913, ch. 38, sec. 1, as to subjects for regulation.

22. *Theft by Conversion.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 133 (1). *Offence:* Conversion of public moneys by a post officer. *Prosecution:* Indictment. *Penalty:* Not mentioned.

23. *Accessory to Theft.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 133 (2). *Offence:* Advising or knowingly and wilfully participating in theft by post officer. *Prosecution:* Indictment. *Penalty:* Fine equal to amount stolen and imprisonment. Min., 3 months; max., 7 years.

24. *Selling Stamps.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 134. *Offence:* Selling postage stamps without license. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $40. Fine goes to Dominion Government.

25. *Using Used Stamps.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 135. *Offence:* Using postage stamps used before. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Min., $10; max., $40. Double postage if delivered. Fine goes to Dominion Government.

26. *Using Words "Post Office."—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 136 (1). *Offence:* Placing words "post office" on a house without authority. *Prosecution:* Summary conviction before 1 Justice of the Peace. *Penalty:* $10. Fine goes to Dominion Government.

27. *Carrying Mail.—Statute: Post Office Act,* R. S. C. 1906, ch. 66, sec. 136 (2). *Offence:* Unlawfully carrying or collecting

letters. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $20. Fine goes to Dominion Government.

28. *Theft of Letters from Letter Bags.—See* THEFT 16.

29. *Theft of Post Office Keys.—See* THEFT 17.

Postage Stamps—

1. *Forging.—See* POST OFFICE 4.

2. *Using Forged Stamps.—See* POST OFFICE 5.

3. *Making Dies or Plates for Engraving Postage Stamps.—See* POST OFFICE 6.

4. *Unlawful Possession of Dies or Plates for Engraving Stamps.—See* POST OFFICE 7.

5. *Forging Franking Signature.—See* POST OFFICE 8.

6. *Pledging Postage Stamps.—See* POST OFFICE 20.

7. *Selling Postage Stamps without Permission.—See* POST OFFICE 24.

8. *Using Postage Stamps Already Used.—See* POST OFFICE 25.

Potatoes—

1. *Selling Vegetables under Weight.—See* INSPECTION AND SALE 68.

2. *Violating Law Respecting Measuring Bushel by Weight.—See* INSPECTION AND SALE 69.

Powers of Attorney—

1. *Theft by Person Holding Power of Attorney. — See* THEFT 6.

Procuring—

1. *Procuring or Soliciting Woman or Girl for Unlawful Carnal Knowledge.—Statute: Criminal Code,* R. S. C. 1906, sec. 216 (*a*). *Offence:* Any person procuring or attempting to procure, or solicits any girl or woman to have unlawful carnal connection, either within or without Canada, with any other person or persons. *Prosecution:* On indictment. *Penalty:* 5 years, and on second or subsequent offence to be whipped in addition.

2. *Procuring Woman or Girl to Become Prostitute.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 216 (*d*). *Offence:* Any person procuring or attempting to procure any woman or girl to become either within or without Canada, a common prostitute. *Prosecution:* On indictment. *Penalty:* 5 years and on second or subsequent conviction to be whipped in addition.

3. *Procuring to Leave Abode and Become Inmate or Frequenter of Bawdy House.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 216 (*e*). *Offence:* Any person procuring or attempting to procure any woman or girl to leave her usual place of abode in Canada, such place not being a common bawdy house, with intent that she may become an inmate or frequenter of a common bawdy house within or without Canada. *Prosecution:* On indictment. *Penalty:* 5 years' imprisonment, and on any second or subsequent conviction to be whipped in addition.

4. *Procuring to Come to Canada or Leave Canada for Prostitution.—Statute: Criminal Code,* R. S. C. 1906, sec. 216 (*g*). *Offence:* Any person procuring any woman or girl to come to Canada or to leave Canada for the purpose of prostitution. *Prosecution:* On indictment. *Penalty:* 5 years and on second or subsequent conviction to be whipped in addition.

5. *Procuring by Threats or Intimidation. — Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 216 (*h*). *Offence:* Any person by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection either within or without Canada. *Prosecution:* On indictment. *Penalty:* 5 years and on second or subsequent conviction to be whipped.

6. *Procuring by False Pretences or False Representations.—Statute: Criminal* Code, R. S. C. 1906, sec. 216 (*j*). *Offence:* Any person by false pretences, or false representations, procures any woman or girl to have unlawful carnal connection either within or without Canada. *Prosecution:* On indictment. *Penalty:* 5 years, and on second and subsequent conviction to be whipped in addition.

7. *Procuring by Parent or Guardian.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 215 (*a*). *Offence:* Any person, being parent or guardian of any girl or woman, procuring such girl or woman to have unlawful carnal connection with any man other than the procurer. *Prosecution:* On indictment. Penalty: 14 years if the girl or woman is under 14 years of age, and 5 years' imprisonment if the girl or woman is above the age of 14 years.

Prisons and Reformatories—

1. *Aiding and Abetting Girls' Escape from Reformatory.—Statute: Prisons and Reformatories Act,* R. S. C. 1906, ch. 148, sec. 153 (2). *Offence:* Person aiding or abetting any girl to escape from Industrial Home for girls operated under the

Prisons and Reformatories Act. Prosecution: Summary conviction. *Penalty:* $25. Amended 1912, ch. 43, sec. 1. This section comes into force on proclamation by Governor-in-Council.

2. *Prison Breach.—See* ESCAPE AND RESCUE 2-4.

3. *Conveying Things to Convicts in Prisons.—See* ESCAPE AND RESCUE 8.

Prize Fights—

1. *Challenging Prize Fight.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 104. *Offence:* Every one who sends or publishes, or causes to be sent or published or otherwise made known, any challenge to fight a prize fight, or accepts any such challenge, or causes the same to be accepted or goes into training preparatory to such fights or acts as trainer or second to any person who intends to engage in a prize fight. *Prosecution:* On summary conviction. *Penalty:* Not exceeding $100 or 6 months with or without hard labour, or both.

2. *Engaging as Principal.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 105. *Offence:* Every one who engages as a principal in a prize fight. *Prosecution:* On summary conviction. *Penalty:* Imprisonment. Min., 3 months; max., 12 months, with or without hard labour.

3. *Attending or Promoting Prize Fight.—Statute:* Criminal Code, R.S.C. 1906, ch. 146, Part II., sec. 106. *Offence:* Every one who is present at a prize fight as an aid, second, surgeon, umpire, backer, assistant, or reporter, or who advises, encourages or promotes such fight. *Prosecution:* On summary conviction. *Penalty:* Min., $50; max., $500 or 12 months' imprisonment or both fine and imprisonment.

4. *Leaving Canada to Engage in Prize Fight.—Offence:* Any inhabitant or resident of Canada leaving Canada with intent to engage in a prize fight without the limits thereof. *Prosecution:* On summary conviction. *Penalty:* Min., $50; max., $400 or six months' imprisonment, with or without hard labour, or both fine and imprisonment.

5. *Engaging in Fight (Other than Prize Fight).—Statute:* Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 108. *Offence:* Engaging in fight or intended fight which is bona fide the consequence or result of a quarrel or dispute between the principals engaged or intended to engage therein, and the same is not an encounter or fight for a prize or on the result of which money or property is dependent. *Prosecution:* As in case of prize fights.

Penalty: The presiding magistrate may discharge accused or impose penalty not exceeding $50.

Property—

1. *Public Servant Refusing to Deliver up Property Lawfully Demanded.—Statute:* Criminal Code, sec. 391. *Offence:* Any person who, being employed in the service of His Majesty or of the Government of Canada or the Government of any province of Canada, or of any municipality, and entrusted by virtue of such employment with the keeping, receipt, custody, management or control of any chattel, money, valuable security, book, paper, account or document, refuses or fails to deliver up the same to anyone authorized to demand it. *Prosecution:* On indictment. *Penalty:* 14 years.

2. *Disposal of Property with Intent to Defraud Creditors.—See* FRAUD.

3. *Concealing Deeds or Encumbrances on Property and Falsifying Pedigree.—See* TITLE DEEDS.

4. *Fraudulent Sales of Property.—See* FRAUD.

5. *Fraudulently Mortgaging Property.—See* FRAUD.

6. *Fraudulently Seizing Land under Execution in Quebec.—See* FRAUD.

7. *Mischief or Wilful Destruction or Damage to Property.—Statute:* Criminal Code, sec. 510. *Offence:* Any person wilfully destroying or damaging any of the property set out in section 510 of the Criminal Code. *Prosecution:* On indictment. *Penalty:* Varying according to class of property damaged or destroyed.

8. *Injuring Dam, Pier, Slide, Boom or Raft, or Crib of Timber or Saw Logs. — Statute:* Criminal Code, sec. 525. *Offence:* Any person wilfully: 1, Breaking, injuring, cutting, loosening, removing or destroying, in whole or in part, any dam, pier, slide, boom or other such work, or any chain or other fastening attached thereto or any raft, crib of timber, or saw logs; or, 2, impeding or blocking up any channel or passage intended for the transmission of timber. *Prosecution:* On indictment. *Penalty:* 2 years.

9. *Injuring Property for which there is no Special Provision. Statute:* Criminal Code, sec. 539. *Offence:* Any person wilfully committing any damage, injury or spoil to or upon any real or personal property, either corporeal or incorporeal, and either of a public or private nature, for which no punishment is provided. *Prosecution:* On summary conviction. *Penalty:* Fine not

exceeding $20, and such further sum not exceeding $20, as appears to the Justice to be a reasonable compensation for the damage, injury, or spoil so committed to be paid in the case of private property to the person aggrieved. Imprisonment in default of payment of such sums of money and the costs can be given to the extent of two months with or without hard labour. This application of this section (539) is limited to the extent that it does not apply where a person acted under a fair and reasonable supposition that he had a right to do the act complained of, nor does it apply to any treaspass (not being wilful and malicious) committed in hunting or fishing, or in the pursuit of game.

10. *Personation to Obtain Property.—See* PERSONATION 1.

11. *Unlawfully Buying or Selling R. N. W. M. P. Property.—See* R. N. W. M. P. 5.

12. *Demanding Property with Menaces.—See* THREATS 2.

Prospectus—

1. *False Statements in Company Prospectus.—See* COMPANIES 3.

2. *Omitting to File Prospectus under Dominion Joint Stock Companies Act.—See* COMPANIES 4.

Prostitution—

1. *Keeping Habitation for Prostitution of Indian Women.—Statute:* Criminal Code, R. S. C. 1906, sec. 220 (*a*). *Offence:* Any person being keeper of any house, tent or wigwam allowing or suffering any unenfranchised Indian woman to be or remain in such house, tent or wigwam, knowing or having probable cause for believing that such Indian woman is in or remains in such house, tent or wigwam with the intention of prostituting herself therein. *Prosecution:* On indictment. *Penalty:* Fine, min., $10; max., $100, or 6 months' imprisonment.

2. *Indian Woman, being a Prostitute.—Statute:* Criminal Code, R. S. C. 1906, sec. 220 (*b*). *Offence:* Any person, being an Indian woman, prostitutes herself in any house, tent or wigwam mentioned in section 220 (*a*) of the Criminal Code. *Prosecution:* On indictment. *Penalty:* Fine, min., $10; max., $100, or six months' imprisonment.

3. *Indian Woman Keeping or Frequenting Disorderly Houses.—Statute: Criminal Code,* R. S. C. 1906, ch. 146, sec. 220 (*c*). *Offence:* Any person being an unenfranchised Indian woman, keeping, frequenting or is found in a disorderly house,

tent or wigwam, used for any such purpose. *Prosecution:* On indictment. *Penalty:* Fine, min., $10; max., $100 or 6 months.

4. *Houses of Prostitution.* *See* BAWDY HOUSES 1-9.

5. *Procuring Women or Girls for Purposes of Prostitution.* —*See* PROCURING 2.

Public Health—

1. *Regulations.—Statute: Public Works Health Act,* R. S. C. 1906, ch. 135, sec. 3. *Offence:* Violation of public health regulations passed under *Public Works Health Act.* Maximum punishment 3 months. See Orders-in-Council.

Public Inquiries—

1. *Witness Failing to Attend.—Statute: Inquiries Act,* R. S. C. 1906, ch. 104, sec. 10. *Offence:* Failing without valid excuse to attend inquiry, or refusing to produce documents, or refusing to be sworn, or refusing to answer questions. *Prosecution:* Summary conviction before Police Magistrate, Stipendiary Magistrate, Supreme Court Judge, County Court Judge. *Penalty:* $400.

Public Officers—

1. *Obstructing Public Officer.—Statute:* Code, sec. 168. *Offence:* Any person resisting or wilfully obstructing any public officer in the execution of his duty or any person acting in aid of such officer. *Prosecution:* On indictment. *Penalty:* 10 years' imprisonment.

2. *Wounding Public Officer.—See* WOUNDING, *infra.*

3. *Public Servant Refusing to Deliver up Property Lawfully Demanded.—See* PROPERTY 1.

Public Stores—

1. *Unlawfully Applying Government Marks on Stores.—Statute:* Criminal Code, sec. 433. *Offence:* Any person without lawful authority (the proof of which shall lie on him) applying any of the said marks set out in sec. 432 in or on any public stores. *Prosecution:* On indictment. *Penalty:* 2 years.

2. *Obliterating Marks from Public Stores.—Statute:* Criminal Code, sec. 434. *Offence:* Any person who, with intent to conceal His Majesty's property in any public stores, takes out, destroys or obliterates, wholly or in part, any of the said marks. *Prosecution:* On indictment. *Penalty:* 2 years.

3. *Unlawful Possession, Sale, &c., of Public Stores.—Statute:* Criminal Code, sec. 435. *Offence:* Any person who, without

lawful authority, the proof of which shall lie on him, receives, possesses, keeps, sells or delivers, any public stores, bearing any of the marks set out in section 432, knowing them to bear such mark. *Prosecution:* On indictment, where value does not exceed $25 on summary conviction before two Justices of the Peace. *Penalty:* On indictment, 1 year on summary conviction, $100 or 6 months with or without hard labour.

4. *Being in Possession of Public Stores and Unable to Justify.—Statute:* Criminal Code, sec. 436. *Offence:* Any person not being in his Majesty's Service or a dealer in marine stores, or a dealer in old metals, in whose possession any public stores bearing any of the marks set out in section 432, are found, who, when taken or summoned before two Justices of the Peace, does not satisfy such Justices that he came lawfully by such stores. *Prosecution:* On summary conviction. *Penalty:* $25.

5. *Having Had Possession of Public Stores and Unable to Justify.—Statute:* Criminal Code, sec. 436 (3). *Offence:* Any person who has had possession of any public stores bearing the marks set out in section 432, who does not satisfy the Justices holding enquiry under section 436, that he came lawfully by the same. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* $25 and in default 3 months with or without hard labour.

6. *Dredging for Stores Near His Majesty's Vessels, Wharfs or Docks.—Statute:* Criminal Code, sec. 437. *Offence:* Any person who without permission in writing from the Admiralty, or from some person authorized by the Admiralty, in that behalf, creeps, sweeps, dredges, or otherwise searches for stores in the sea, or any tidal or inland water within one hundred yards from any vessel, belonging to His Majesty or in His Majesty's Service, or from any mooring place or anchoring place, appropriated to such vessels, or from any mooring belonging to His Majesty or from any of His Majesty's wharfs, or docks, or victualling or steam factory yards. *Prosecution:* On summary conviction before two Justices of the Peace. *Penalty:* $25 or 3 months with or without hard labour.

7. *Receiving Clothing or Furniture from Soldiers or Deserters.—Statute:* Criminal Code, sec. 438 (*a*). *Offence:* Any person buying, exchanging or detaining or otherwise receiving from any soldier, militiaman, or deserter, any arms, clothing or furniture belonging to His Majesty or any such articles belonging to any soldier, militiaman, or deserter as are generally

deemed regimental necessaries according to the custom of the army. *Prosecution:* On indictment or on summary conviction before two Justices of the Peace. *Penalty:* On indictment, 5 years. On summary conviction fine not exceeding $40 and not less than $20 and costs, and in default of payment 6 months' imprisonment with or without hard labour.

8. *Changing Colour of Clothing or Furniture Received from Soldiers or Deserters.—Statute:* Criminal Code, sec. 438 (*b*). *Offence:* Any person changing the colour of any clothing or furniture belonging to His Majesty bought, exchanged or detained or otherwise received from any soldier, militiaman or deserter. *Prosecution:* On indictment or on summary conviction before two Justices of the Peace. *Penalty:* On indictment, 5 years. On summary conviction, fine not exceeding $40 and not less than $20 and costs, and in default of payment, 6 months with or without hard labour.

9. *Receiving Provisions from Soldier.—Statute:* Criminal Code, sec. 438 (*c*). *Offence:* Any person exchanging, buying or receiving from any soldier or militiaman any provisions, without leave in writing from the officer commanding the regiment or detachment, to which such soldier belongs. *Prosecution:* On indictment, or on summary conviction before two Justices of the Peace. *Penalty:* On indictment, 5 years. On summary conviction fine not exceeding $40, and not less than $20 and costs, and in default of payment, 6 months with or without hard labour.

10. *Receiving Necessaries from Seamen or Marines.—Statute:* Criminal Code, sec. 439. *Offence:* Any person buying, exchanging or detaining or otherwise receiving from any seaman or marine upon any account whatsoever, or has in his possession any arms or clothing or any articles belonging to any seaman, marine or deserter, as are generally deemed necessaries according to the custom of the navy. *Prosecution:* On indictment or on summary conviction before two Justices of the Peace. *Penalty:* On indictment, 5 years. On summary conviction fine not exceeding $120 and not less than $20 and costs and in default 6 months' imprisonment.

11. *Receiving Seaman's Property unless in Ignorance or on Sale by Authority.—Statute:* Criminal Code, sec. 440. *Offence:* Any person detaining, buying, exchanging, taking on pawn or receiving from any seaman or any person acting for a seaman, any seaman's property, or solicits or entices any seaman, or is employed by any seaman to sell, exchange or pawn, any sea-

man's property, unless he acts in ignorance of the same being a seaman's property, or of the person with whom he deals being or acting for a seaman, or unless the same is sold by the order of the Admiralty or commander-in-chief. *Prosecution:* On indictment or on summary conviction. *Penalty:* On indictment, 5 years. On summary conviction: First offence, $100; second offence, and subsequent offences, $100 or 6 months with or without hard labour.

12. *Having Seaman's Property and not being Able to Justify.—Statute:* Criminal Code, sec. 441. *Offence:* Any person in whose possession any seaman's government property is found who does not satisfy the Justice before whom he is taken or summoned that he came by such property lawfully. *Prosecution:* On summary conviction $25.

13. *Selling Defective Military Stores to Government.—Statute:* Criminal Code, sec. 436A. *Offence:* Any person knowingly selling or delivering, or causing to be sold or delivered to His Majesty or to any officer or servant of His Majesty, any defective military, militia, or naval stores, of any kind or description, whether such stores are for His Majesty in the right of His Government of Canada, or in the right of any other of His Majesty's Dominions, or who in any way commits any act of dishonesty, fraud, or deception upon His Majesty or any of His Majesty's officers or servants in connection with the sale or lease or purchase or delivery or manufacture of such military, militia or naval stores. *Prosecution:* On indictment. *Penalty:* 2 years or $5,000 fine or both.

Public Works—

(*a*) ERECTION.

1. *Refusing to Answer Summons of Minister.—Statute:* The *Public Works Act,* R. S. C. 1906, ch. 39, sec. 15 (2). *Offence:* Refusing or neglecting to attend and be examined in compliance with a summons issued by the Minister of Public Works. *Procedure:* On summary conviction under Part XV. of the Criminal Code (sec. 32). *Court:* Any Justice of the Peace for the district, county or place in which the offence was committed (sec. 15 (1)). *Punishment:* Fine of $20 and costs. *Special Provisions:* Recovery of penalties. All pecuniary penalties imposed under Part I. of the *Public Works Act,* and this includes section 15, and any regulation can be recovered with costs under

Part XV. of the Criminal Code, and if sufficient distress cannot be found, the Justice may issue a warrant of commitment for not exceeding 30 days imprisonment (sec. 32). *Application of Penalty:* The whole of the penalty under sec. 15 belongs to His Majesty for the public uses of Canada (sec. 32 (2)).

2. *Violations of Regulations.—Statute:* The *Public Works Act,* R. S. C. 1906, ch. 39, sec. 29. *Offence:* Wilful or negligently violating any by-law, order or regulation of the department, or any Order-in-Council, respecting the public work on which he is employed, and of which a copy has been delivered to him, or posted up or open to his inspection in some place where his work or duties are performed, such violation causing injury to any property or person or exposing any property or person to the risk of injury or renders such risk greater than it would have been but for such violation, although no actual injury occurs, thereby violating sec. 29 of the *Public Works Act,* R. S. C. 1906, ch. 39. *Prosecution:* By indictment and by summary conviction. *Court:* Any Court of competent criminal jurisdiction. *Punishment:* (*a*) On indictment, fine not exceeding $400 or to imprisonment for a term not exceeding five years or to both fine and imprisonment in the discretion of the Court; (*b*) On summary conviction, if the violation does not cause injury, or expose to injury, or make risk to property or person greater than it would have been but for the violation a fine not exceeding 30 days pay and not less than 15 days pay with costs (sec. 30). *Application of Penalty:* A moiety of every pecuniary penalty under sections 29 and 30 belongs to His Majesty for the public uses of Canada. The other moiety belongs to the informer, unless he is an officer or servant, or employee of Minister of Public Works in which case the whole penalty belongs to His Majesty (sec. 31). Part XV. Criminal Code applied (sec. 32).

Quarantine—

1. *Violating Quarantine Regulations. — Statute:* The *Quarantine Act,* R. S. C. 1906, ch. 74, sec. 14. *Offence:* Disobeying any unrevoked regulation of the Governor-in-Council respecting quarantine. Indictable fine or imprisonment or both, or suit for penalties, according to wording of the regulation. Penalties payable to Dominion Government, Minister of Finance. See O. C., 12th June, 1907, repealing and substituting those of 18 August, 1898 (vide Canada Gazette, Vol. xl., p. 2997) as amended by Order-in-Council 20th January, 1912 (vide Canada Gazette, Vol. xlv., p. 2846).

2. *Leaving Ship before Inspection.—Statute:* The *Quarantine Regulations,* par. 12. *Offence:* Person on board vessel arriving from any port outside Canada leaving vessel without permission of quarantine officer before ship has been declared free from infectious disease. *Penalty:* $400 and 6 months.

3. *Pilot Neglecting Quarantine Duties.—Statute:* The *Quarantine Regulations,* par 58. *Offence:* Pilot neglecting to hand copy of quarantine regulations to every master of vessel coming from port outside Canada. *Penalty:* $50.

4. *Customs Officers Neglecting Quarantine Duties.—Statute:* The *Quarantine Regulations,* par. 59. *Offence:* Collector or customs officer allowing customs entry of any vessel in absence of production of quarantine clearance as required by regulations under *Quarantine Act,* R. S. C. 1906, ch. 74. *Penalty:* $400 and six months' imprisonment.

5. *Master or Pilot Contravening Regulations.—Statute:* The *Quarantine Regulations,* par. 60. *Offence:* Master or pilot contravening any of the regulations of the *Quarantine Act. Penalty:* $400 and 6 months' imprisonment. Vessel seizable.

6. *Ship's Surgeon or Officer making False Answers.—Statute:* The *Quarantine Regulations,* par. 61. *Offence:* Ship's surgeon or officer making false answers to questions respecting matters contained in Quarantine Regulations. *Penalty:* $400 and six months' imprisonment.

Quebec Savings Banks—

1. *Theft and Falsifying Books.—Statute: Quebec Savings Bank Act,* 1913, ch. 42, sec. 64. *Offence:* Officer, clerk, servant or agent employed under the provisions of the *Quebec Savings Bank Act* defacing, altering, erasing or in any manner whatsoever changing the effect of the books of account kept under the Act, or any entry in such books of account, for any fraudulent purpose; *or,* secreting, appropriating or stealing any bond, obligation, bill or note or any security for money or any money or effects entrusted to him, or in his custody or to which he has gained access as such officer, clerk, servant or agent to whomsoever such property belongs. *Prosecution:* Indictable. *Penalty:* 7 years.

2. *Falsely Pretending to Own Deposits.—Statute: Quebec Savings Bank Act,* 1913, ch. 42, sec 65. *Offence:* Person with intent to defraud, falsely pretending to be the owner of any deposit made under the *Quebec Savings Bank Act,* or interest upon such deposit, and, not being such owner, claims payment of the

deposit from the Bank or from any other person although he does not actually obtain same. *Prosecution:* Indictable. *Penalty:* 3 years unless greater punishment provided by law.

3. *Bribery and Corruption.—Statute: Quebec Savings Bank Act,* 1913, ch. 42, sec. 66. *Offence:* Director, general manager, manager, agent or other executive officer of bank accepting gifts, and any person offering gifts or consideration as an inducement or reward for favours by bank officials. *Prosecution:* Indictable and summary conviction. *Penalties:* On indictment, 2 years or $2,500 or both; on summary conviction, 6 months with or without hard labour or $100 or both.

4. *Bank Officials Signing False Documents.—Statute: Quebec Savings Bank Act,* 1913, ch. 42, sec. 67 (2). *Offence:* President, vice-president, director, auditor, general manager or other officer of bank negligently preparing, signing, approving or concurring in any account, statement, return, report or document respecting affairs of bank containing any false or deceptive statement. *Prosecution:* Indictable. *Penalty:* 3 years unless greater punishment provided by law.

5. *Using or Making Bank Documents with Intent to Mislead. Statute: Quebec Savings Bank Act,* 1913, ch. 42, sec. 67 (1). *Offence:* Making wilfully false or deceptive statement in any account, statement, report, or other document respecting affairs of bank or using any false or deceptive statement in any account, statement, report or other document respecting affairs of bank with intent to deceive or mislead any person. *Prosecution:* Indictable. *Penalty:* 5 years unless greater punishment provided by law.

6. *Bank Neglecting to Furnish Returns.—Statute: Quebec Savings Bank Act,* 1913, ch. 42, sec. 68. *Offence:* Bank neglecting to transmit or deliver to the Minister the returns required by the *Quebec Savings Bank Act* to be so transmitted or delivered within the time limited by the Act. *Penalty:* $50 per day during neglect.

7. *Paying Bank's Liabilities after Suspension.—Statute: Quebec Savings Bank Act,* 1913, ch. 42, sec. 69. *Offence:* Director, officer, clerk, servant or agent of the Bank paying, with knowledge of suspension, any debt or liability of the Bank without consent of curator or liquidator. *Prosecution:* Indictable or summary conviction. *Penalty:* Punishment, on indictment 2 years or $2,000 or both; on summary conviction, 6 months with or without hard labour or $100 or both.

8. *Bank Holding Real Property Beyond Seven Years.—Statute: Quebec Savings Bank Act,* 1913, sec. 70. *Offence:* Bank holding real or immovable property, howsoever acquired, except such as is required for its own use for any period exceeding seven years from the date of its acquisition. *Prosecution:* Court of competent jurisdiction. Suit by any person. *Penalty:* $500. *Special Provision:* Moiety of penalty payable to person suing with costs. Other moiety payable to Minister for public uses of Canada.

9. *Director Failing to make Call. Statute: Quebec Savings Bank Act,* 1913, sec. 71. *Offence:* Director refusing to make or enforce or to concur in making or enforcing any call provided for by the *Quebec Savings Bank Act,* to be made in the case of an insufficiency in the funds of the Bank to satisfy its debts and liabilities. *Prosecution:* Indictable. *Penalty:* Penalty not mentioned. Personal responsibility for damages.

Railway Destruction—

1. *Interfering with Rails, Points, Signals, &c., on Railways. —Statute:* Criminal Code, sec. 517. *Offence:* Any person in a manner likely to cause danger to valuable property, without endangering life or person:—(*a*) Places any obstruction upon any railway, or takes up, removes, displaces, breaks or injures any rail, sleeper or other matter or thing belonging to any railway; (*b*) shoots or throws anything at an engine, or other railway vehicle; or (*c*) interferes, without authority, with the points, signals or other appliances upon any railway; or (*d*) makes any false signal on or near any railway; or (*e*) wilfully omits to do any act which it is his duty to do or (*f*) does any other unlawful act. *Prosecution:* On indictment. *Penalty:* 5 years under sec. 517 (2). The penalty is life imprisonment if done with intent to cause danger.

2. *Interrupting or Obstructing Construction or Operation of Railway.—Statute:* Criminal Code, sec. 518. *Offence:* Any person by any act or wilful omission, obstructing or interrupting, or causing to be obstructed or interrupted, the construction, maintenance or free use, of any railway, or any part thereof, or any matter or thing appertaining thereto or connected therewith. *Prosecution:* On indictment. *Penalty:* 2 years.

3. *Damaging Liquor or other Goods on Railway or in Warehouse or Ship.—Statute:* Criminal Code, sec. 519. *Offence:* Any person:—1, Wilfully destroying or damaging anything containing any goods or liquors in or about any railway station or

building or any vehicle of any kind, on any railway, or in any warehouse, ship or vessel, with intent to steal or otherwise unlawfully to obtain or to injure the contents or any part thereof; 2, unlawfully drinking or wilfully spilling or allows to run to waste any such liquor, or any part thereof. *Prosecution:* On summary conviction. *Penalty:* Not exceeding $20 over and above value of goods or liquors so destroyed or damaged or 1 month's imprisonment with or without hard labour or both.

Railways*—

I. ORDERS OF BOARD.

1. *Company Disobeying Orders of Railway Board.—Statute: Railway Act,* 1919, ch. 68, sec. 392 (1). *Offence:* Company, municipal or other corporation neglecting or refusing to obey order of the Board made under the *Railway Act* or under any other Act of the Parliament of Canada. *Prosecution:* Presumably on indictment. *Penalty:* Min. $20, max., $5,000. *Special Provisions:* Consent of Railway Board required for prosecution (392 (5)).

2. *Liability of Officers of Company Disobeying Orders of Board. Statute: Railway Act,* 1919, ch. 68, sec. 392 (2). *Offence:* Being president, vice-president, or each vice-president where there are more than one, every director and managing director of company which has refused to obey the orders of the

* RAILWAYS.—The procedure in prosecuting cases under the *Dominion Railway Act,* 1919, is a little difficult to follow, and the section dealing with these matters is here given for the guidance of the prosecutor.

Procedure.—Sec. 448 (1). If any penalty, prescribed for any offence under this Act, or under any order, rule or regulation of the Board, is $100 or less, with or without imprisonment, the penalty may, subject to the provisions of this Act, be imposed and recovered on summary conviction before a Justice of the Peace.

"(2) If the penalty prescribed is more than $100 and less than $500, the penalty may, subject as aforesaid, be imposed and recovered on summary conviction before two or more Justices of the Peace, or before a Police Magistrate, a Stipendiary Magistrate, or any person with the power or authority of two or more Justices of the Peace.

"(3) Whenever the Board has reasonable ground for belief that any company or any person, or corporation, is violating, or has violated any of the provisions of this Act, or any order, rule, or regulation of the Board in respect of which violation a penalty may be imposed under this Act, the Board may request the Attorney-General of Canada to institute and prosecute proceedings on behalf of his Majesty, against such company or person or corporation for the imposition and recovery of the penalty provided under this Act for such violation, or the Board may cause an information to be filed in the name of the Attorney-General of Canada for the imposition and recovery of such penalty.

"(4) No prosecution shall be had against the company for any penalty under this Act, in which the company might be held liable for a penalty exceeding $100 without the leave of the Board being first obtained."

Board not taking all necessary and proper means in his power to obey and carry out, and procure obedience to and the carrying out of such order. *Prosecution:* Presumably on indictment. *Penalty:* Min., $20, max., $5,000 or 12 months' imprisonment or both. *Special Provisions:* Consent of Railway Board required for prosecution (sec. 392 (5)).

3. *Liability of Officers of Municipality or Corporation Disobeying Order of Board.—Statute: Railway Act* 1919, ch. 68, sec. 392 (3). *Offence:* Being mayor, warden, reeve or other head of corporation or member of council or corporation which disobeys order of Board, and not taking all necessary and proper means in his power to obey and carry out, and to procure obedience to and the carrying out of such order. *Prosecution:* Presumably on indictment. *Penalty:* Min., $20, max., $5,000 or 12 months or both. *Special Provisions:* No prosecution can be taken without leave of Board (sec. 392 (5)).

II. Obstructing Inspecting Engineers.

4. *Obstructing Inspecting Engineers' Telegraph Messages.—Statute: Railway Act,* 1919, ch. 68, sec. 393 (1). *Offence:* Operator or officer employed in any telegraph office of the company neglecting or refusing to obey without unnecessary delay, all orders of any inspecting engineer for the transmission of messages. *Prosecution:* Before one Justice of the Peace. Summary conviction (sec. 448 (1)). *Penalty:* $40 (sec. 393 (1)).

5. *Obstructing Inspecting Engineer on Duty.—Statute: Railway Act,* 1919, ch. 68, sec. 393 (2). *Offence:* Person wilfully obstructing any inspecting engineer in the execution of his duties. *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $40 and in default of payment 3 months' imprisonment (sec. 393 (2)).

III. Purchase of Railway Securities.

6. *Company Purchasing own Stock or Securities.—Statute: Railway Act,* 1919, ch. 68, sec. 394 (1). *Offence:* Director, knowingly permitting the funds of a railway company to be applied either directly or indirectly in the purchase of its own stock, or in the acquisition of any shares, bonds, or other securities issued by any other railway company in Canada, or in the purchase or acquisition of any interest in such stock, shares, bonds or other securities, contrary to the *Railway Act,* or *Special*

Act. Prosecution: Presumably on indictment or criminal information (sec. 448 (3)). *Penalty:* $1,000 for each violation (sec. 394 (1)). *Special Provisions:* The acquisition of each share, bond, &c., is a separate violation. *Prosecution:* In name of Attorney-General of Canada by Board, one moiety going to informer and other to His Majesty (sec. 394 (3)).

IV. Schemes of Arrangement with Creditors.

7. *Company Failing to Keep or Sell Copies of Schemes of Arrangement with Creditors.—Statute: Railway Act,* 1919, ch. 68, sec. 395. *Offence:* Railway company failing to keep at all times at its principal or head office printed copies of any scheme of arrangement between the company and its creditors, after such scheme has been confirmed and enrolled as provided by the *Railway Act,* or to sell such copies to all persons desiring to buy them at a reasonable price not exceeding 10 cents a copy. *Prosecution:* On summary conviction before one Justice of the Peace (sec. 393 (1)). *Penalty:* $100, and a further penalty not exceeding $20 a day during period after incurring first penalty (sec. 395).

V. Filing and Registry.

8. *Company Neglecting to File Plan of Railway or Lands Taken.—Statute: Railway Act,* 1919, ch. 68, sec. 396. *Offence:* Railway company failing or neglecting within 6 months after beginning to operate any completed part of the railway, as the case may be, or within such extended or renewed period as the Board at any time directs—(*a*) Plan and profile of completed railway, or (*b*) plan of lands taken (sec. 396). *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate or Stipendiary Magistrate, or person having powers of two Justices of the Peace. Consent of Board required (sec. 448). *Penalty:* $200 and a like penalty for each and every month during which such failure or neglect continues (sec. 396). Consent of Board required to prosecution (sec. 448 (4)).

9. *Registrar of Deeds Neglecting Duties Respecting Filing and Registry of Railway Plans. Statute: Railway Act,* 1919, ch. 68, sec. 397. *Offence:* Registrar of deeds with whom the *Railway Act* requires registration of plans, &c., relating to location or construction of railway, refusing or neglecting to receive documents, make endorsements, to allow extracts, or to grant certificates (sec. 397). *Prosecution:* On summary convic-

tion before one Justice of the Peace (sec. 393 (1)). *Penalty:* $10 and action for damages (sec. 397).

VI. Industrial Spurs.

10. *Removing Industrial Spurs without Leave.—Statute: Railway Act,* 1919, ch. 68, sec. 398. *Offence:* Any company or person without consent or order of Board of Railway Commissioners removing any spur, or branch line, constructed under or pursuant to the *Railway Act,* for the purpose of affording railway facilities to, or in connection with, any industry, or business established or intended to be established (sec. 398). *Prosecution:* Presumably indictment or criminal information in the name of the Attorney-General of Canada (sec. 448 (2)). *Penalty:* $1,000. *Special Provisions:* Consent of Board required to prosecution (sec. 448 (4)).

VII. Mine Workings.

11. *Refusing to Allow Examination of Mine Workings.—Statute: Railway Act,* 1919, ch. 68, sec. 399. *Offence:* Owner, lessee or occupier of a mine lying under or near a railway or any of the works connected therewith, refusing or neglecting (after notice (24 hours) and written permission of Board) to allow any person appointed by such company for that purpose, to enter into and return from such mine or works connected therewith and make use of any apparatus of such mine and all necessary means for discovering the distance from such railway or works connected therewith to the parts of such mine which are being worked in order to ascertain whether such mine is being worked, or has been worked so as to injure or be detrimental to such railway or works connected therewith or to the safety thereof or of the public (sec. 399). *Prosecution:* On summary conviction before one Justice of the Peace. *Penalty:* $100.

VIII. Railroad Construction.

12. *Failing to Comply with Board's Directions as to Construction of Bridges.—Statute: Railway Act,* 1919, ch. 68, sec. 400. *Offence:* Railway company failing or neglecting to comply with any direction of the Governor-in-Council, given upon the report of the Board, requiring such company within such time as the Governor-in-Council directs, to construct fixed and permanent bridges, or swing, draw, or movable bridges, or to sub-

stitute any of such bridges for bridges existing on the line of the company's railway. *Prosecution:* Summary conviction (with consent of Board) before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or person having powers of two Justices of the Peace (sec. 448). *Penalty:* $200 for every day after period fixed by Governor-in-Council (sec. 400).

13. *Bridge, Tunnel or Erection, Constructed Otherwise than in Conformity with the Railway Act, Section 401.—Statute: Railway Act,* 1919, ch. 68, sec. 401. *Offence:* Company or owner constructing bridge, tunnel or other erection (through or under which any railway passes) otherwise than in conformity with sec. 401 (*a*) or, except by leave of the Board, leaving a space between the rail level, and the beams, members or portions of any structure constructed after 1st February, 1904, otherwise than in conformity with sec. 401 (*b*) of the *Railway Act. Prosecution:* Summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $50 a day during period of non-requirement with Act (sec. 401).

14. *Other Structures in Violation of Railway Act, 1919.—Statute: Railway Act,* 1919, ch. 68, sec. 402. *Offence:* Company erecting, operating, or maintaining any bridge, approach, tunnel, viaduct, trestle, or any building, erection or structure in violation of the *Railway Act,* 1919, or of any order or regulation of the Board (sec. 402). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $50 (sec. 402).

15. *Improper use of Highways. — Statute: Railway Act,* 1919, ch. 68, sec. 403. *Offence:* Railway company, except as authorized by Special Act of the Parliament of Canada, or amendment thereof previous to 12th March, 1903, carrying its railway upon, along or across existing highway without leave of Board, or, obstructing highway by its works, &c., or neglecting to restore highway to its former condition (sec. 403). *Prosecution:* Presumably on indictment or criminal information in name of Attorney-General of Canada (sec. 448 (3)). *Penalty:* Min., $40; max., $5,000 for each offence. *Special Provisions:* Consent of Board required for prosecution (sec. 448 (4)).

16. *Railway Company Failing to Erect Signboards at Crossings.—Statute: Railway Act,* 1919, ch. 68, sec. 404. *Offence:* Every railway company failing or neglecting to erect and maintain, at each crossing where a highway is crossed at rail level by the railway of the company, a signboard having the words

"Railway Crossing" painted on each side thereof, in letters at least 6 inches in length and in Quebec Province, in both English and French (sec. 404). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $40.

IX. Opening Railway for Traffic.

17. *Opening Railway for Traffic without Leave of Board.—Statute: Railway Act,* 1919, ch. 68, sec. 405. *Offence:* Company or person to whom railway belongs, opening any railway, or portion thereof, for carriage of traffic (other than construction purposes) before leave has been obtained from Board (sec. 405). *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or person having powers of two Justices of the Peace, with consent of Board (sec. 448 (2)). *Penalty:* $200 a day for each day railway is or continues open without such license (sec. 405). *Special Provisions:* Consent of Board required before instituting prosecution (sec. 448 (4)).

X. Safety and Care of Roadbed, &c.

18. *Leaving Gates Open, Taking Down Fences, Turning Animals on to Track.—Statute: Railway Act,* 1919, ch. 68, sec. 406. *Offences:* Any person, (*a*) wilfully leaving open any gate, on either side of the railway provided for the use of any crossing, without some person being at or near such gate to prevent animals passing through it on to the railway; (*b*) any person, not being an officer or employee of the company acting in the discharge of his duty, taking down any part of a railway fence; (*c*) any person turning any horse, cattle or other animal upon or within the inclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person, using all reasonable care and precaution to avoid accidents; (*d*) any person, except as authorized by the *Railway Act,* 1919, without the consent of the company, riding, leading or driving, any horse or other animal, or wilfully suffers any such horse or animal to enter upon the railway, and within the fences and guards thereof (sec. 406). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $20 for each such offence (sec. 406 (1)), also liable in damages to company and to any person injured by reason of the commission of such offence (sec. 406 (3)).

19. *Failing to have Weeds Removed from Right of Way.—Statute: Railway Act,* 1919, ch. 68, sec. 407. *Offence:* Railway company failing or neglecting to cause the thistles and all noxious weeds growing on the right of way, and upon the land of the company adjoining the railway, cut down, or to be rooted out and destroyed each year before such thistles or weeds have sufficiently matured to seed or which fails or neglects to do anything which it is required by law to do for the purpose of cutting down, or rooting out and destroying such thistles and weeds before they have sufficiently matured to seed (sec. 407). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* Two dollars ($2) for every day during which such failure or neglect continues (sec. 407 (1)). *Special Provisions:* Local municipality can enter and destroy the weeds, &c., and recover cost in any Court of competent jurisdiction, with costs. Penalty recovered under this section is payable to proper officer of municipality (sec. 407 (4)).

20. *Trespassing or Walking on Yard or Track of Railway.—Statute: Railway Act,* 1919, ch. 68, sec. 408. *Offence:* Any person not connected with the railway or employed by the company, trespassing upon the yard or track of the company, except where the same is laid across or along a highway (sec. 408). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $10.

21. *Using Level Crossings Where there is a Foot Bridge.—Statute: Railway Act,* 1919, ch. 68, sec. 409. *Offence:* Any person using any highway crossing at rail level for passing on foot, along highway, across railway (except during time when highway crossing is used for carriages, carts, horses and cattle along the highway) when the company has erected and completed, pursuant to the order of the Board, over its railway, at or near or in lieu of such highway crossing, a footbridge or footbridges for foot passengers, and the same is in good repair. *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $10.

22. *Non-compliance with Order of Board Respecting Works and Operation or Rolling Stock.—Statute: Railway Act,* 1919, ch. 68 (sec. 410 (1)). *Offence:* Company refusing or neglecting to comply with any order of Board, made on report of inspecting engineer, under authority of the *Railway Act,* 1919, respecting, (*a*) *Works,* (*b*) *operation,* (*c*) rolling stock as provided in section 410 (1). *Prosecution:* On indictment or crimi-

nal information in name of Attorney-General of Canada, with consent of Board sec. 448 (3)). *Penalty:* Principals $2,000; aiders and abettors (sub-sec. 2), $20 min., and $200 max. (sec. 410). *Special Provisions:* Consent of Board required to prosecution.

23. *Non-compliance with Notice of Engineer Forbidding the Running of Trains.—Statute: Railway Act,* 1919, ch. 68, sec. 411. *Offence:* Any railway company refusing or neglecting to comply with any notice in writing of any inspecting engineer, given under the authority of the *Railway Act,* 1919, and duly served upon the company, forbidding the running of any train over the railway of the company, or any portion thereof, or requiring that trains be run only at such times under such conditions and with such precautions as specified in such notice or forbidding the running or using of any rolling stock specified in the notice. *Prosecution:* Indictment or criminal information in name of Attorney-General of Canada with consent of Board (sec. 448 (3)). *Penalty:* $2,000. *Special Provisions:* Consent of Board required before prosecution (sec. 448 (4)).

XI. Notification of Accidents.

24. *Company Omitting to Give Notice of Railway Accident. —Statute: Railway Act,* 1919, ch. 69 sec. 412 (1). *Offence:* Railway company wilfully or negligently omitting to give immediate notice as required by the *Railway Act,* 1919, with full particulars, to the Board, of the occurrence upon the railway belonging to such company of any accident attended with serious personal injury to any person using the railway, or to any employee of the company or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken, or so damaged as to be impassable or unfit for immediate use (sec. 412 (1)). *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or person having powers of two Justices of the Peace. With consent of Board (sec. 448 (2)). *Penalty:* $200 a day during which omission to give notice continues (sec. 412 (1)). *Special Provisions:* Consent of Board required before prosecution can be commenced (sec. 448 (4)).

25. *Conductor or Employee Failing to Notify Board, by Telegraph, of Accident.—Statute: Railway Act,* 1919, ch. 68, sec. 412 (2)). *Offence:* Conductor or other employee making a report to the company of any accident, wilfully or negligently

failing to notify the Board of the same by telegraph as soon as possible after such accident (sec. 412 (2)). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* Not exceeding $100 (sec. 412 (2)).

XII. Operation and Equipment.

26. *Violating By-laws and Rules of Railway Companies.—Statute: Railway Act,* 1919, ch. 68, sec. 413. *Offence:* Person wilfully or negligently violating any by-law, rule or regulation of railway company (sec. 413). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* Not exceeding $20 (sec. 413). *Special Provisions:* No person can be convicted of any offence under sec. 413 unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was openly affixed to a conspicuous part of the station at which the offender entered the train or at or near which the offence was committed (sec. 413).

27. *Company Failing to Properly Equip Trains and Freight Cars.—Statute: Railway Act,* 1919, ch. 68, sec. 414. *Offence:* Railway company failing to provide necessary equipment for trains, *e.g.,* for providing communication between conductor and engine driver, or for checking speed of train, or bringing same to standstill, or for secure coupling and connecting cars and engine; or outside ladders and hand grips, or side attachments, or to provide draw bars (see 414). *Prosecution:* On summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or person having authority of two Justices of the Peace. Board consenting to prosecution (sec. 448). *Penalty:* $200 a day during default (sec. 414). *Special Provisions:* Consent of Board required before instituting prosecution (sec. 448 (4)).

28. *Notification of Train Times on Blackboard.—Statute: Railway Act,* 1919, ch. 68, sec. 415. *Offence:* Company, station agent or person in charge of any station neglecting, omitting or refusing to have blackboard outside of station house over platform of station giving notification of arrival and departure of trains (sec. 415). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $5.

29. *Operating Freight Car in Rear of Passenger Car.—Statute: Railway Act,* 1919, ch. 68, sec. 416. *Offence:* Officer or employee of railway company directing or knowingly permitting any freight, merchandise or lumber car, to be placed in any

passenger train, in the rear of any passenger car, in which any passenger is carried (sec. 416). *Prosecution:* On indictment (sec. 416). *Penalty:* None specially mentioned in sec. 415; presumably sec. 444 or Criminal Code, secs. 1052, or 164 might apply. *Special Provisions:*—Leave of Board possibly necessary under sec. 448 (4).

30. *Company's Liability for Trains not Stopping at Swing Bridges.—Statute: Railway Act,* 1919, ch. 68, sec. 417. *Offence:* Where railway passes over any navigable water or canal by means of a draw or swing bridge which is subject to be opened for navigation, the company is liable if its trains are not brought to a full stop before coming on or crossing over such bridge or if such train thereafter proceeds before a proper signal has been given for the purpose (sec. 417 (1)). *Prosecution:* On summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or person having powers of two Justices of the Peace. Consent required. *Penalty:* $400 (sec. 417). *Special Provisions:* Consent of Board required before prosecution (sec. 448 (4)). Trains having Board's permit are not within the section (sec. 417 (2)).

31. *Employee not Complying with Rule Requiring Stopping of Trains at Swing Bridge.—Statute: Railway Act,* 1919, ch. 68, sec. 418. *Offence:* Employee of company failing to comply with the rules of the company made for carrying into effect the provisions of the *Railway Act* with regard to the stopping of trains before crossing any draw or swing bridge, or for preventing such trains from proceeding over any such bridge before a proper signal has been given for that purpose (sec. 418). *Prosecution:* On summary conviction before two Justices of the Peace (sec. 448 (2)). *Penalty:* $400 or 6 months' imprisonment or both (sec. 418). *Special Provisions:* Consent of Board necessary before prosecution (sec. 448 (4)).

32. *Company's Liability for its Train not Sounding Whistle and Ringing Bell at Highway Crossings.—Statute: Railway Act,* 1919, ch. 69, sec. 419. *Offence:* Company is liable where its train on approaching a highway crossing at rail level, does not sound the engine whistle at least 80 rods before reaching such crossing, and does not ring its bell continuously from the time of the sounding of the whistle until the engine has crossed the highway (sec. 419 (1)). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $8 (sec. 419). *Special Provisions:* Company is liable for all dam-

age sustained by reason of neglect to comply with this provision (sec. 419 (2), unless there is a by-law, approved by the Board, dispensing with the whistling and ringing required by this provision (sec. 419 (3)).

33. *Employee of Railway Company Neglecting to Sound Bell or Whistle at Crossings.—Statute: Railway Act,* 1919, ch. 68, sec. 420. *Offence:* Employee of company whose duty it is to sound the whistle or ring the bell at level crossings of highways, neglecting to perform such duty (sec. 420). *Prosecution:* Summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $8.

34. *Train Crossing Level Railway Crossing without Signal. —Statute: Railway Act,* 1919, ch. 68, sec. 421 (1*a*). *Offence:* Train or engine of the company passing over any crossing where two main lines of railway, or the main tracks of any branch lines cross each other at rail level, whether they are owned by different companies or by the same company, before a proper signal has been received by the conductor or engineer in charge of such train or engine from a competent person or watchman in charge of such crossing, that the way is clear (sec. 421 (1*a*)). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $100 (sec. 421).

35. *Train not Stopping at Railway Crossing.—Statute: Railway Act,* 1919, ch. 68, sec. 421. *Offence:* Train of company not stopping before passing over crossing where two railway lines cross at rail level, unless otherwise authorized by the Board (sec. 421 (1*b*)). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $100 (sec. 421).

36. *Excessive Speed of Trains in Thickly Peopled Places where Track not Fenced.—Statute: Railway Act,* 1919, ch. 68, sec. 421 (*c*). *Offence:* Train passing in or through any thickly peopled portion of any city, town, or village, at a speed greater than 10 miles an hour, unless the track is fenced or properly protected in the manner prescribed by the *Railway Act* or unless permission to pass at greater speed is given by some regulation or order of the Board (sec. 421 (*c*)). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $100 (sec. 421).

37. *Excessive Speed Over Highway Crossings in Thickly Peopled Places. — Statute: Railway Act,* 1919, ch. 68, sec. 421 (*d*). *Offence:* Train of company passing over any highway crossing at rail level in thickly peopled portion of any city,

town, or village, at a speed greater than ten miles an hour unless such crossing is constructed and thereafter maintained and protected in accordance with the orders, regulations and directions specially issued by the Railway Committee of the Privy Council or of the Board in force with respect to such crossing or unless permission is given by some regulation or order of the Board (sec. 421 (*d*)). On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $100 (sec. 421 (1)).

38. *Excessive Speed Over Highway Crossing where Accident has Happened.—Statute: Railway Act,* 1919, ch. 68, sec. 421(*e*). *Offence:* Any train of company passing over any highway crossing at rail level at a speed greater than ten miles an hour, if at such crossing, subsequent to the 1st day of January, 1905, a person or vehicle using such crossing or an animal being ridden or driven over same has been struck by a moving train and bodily injury or death thereby caused to such person or to any other person using such crossing, unless and until such crossing is protected to the satisfaction of the Board (sec. 421 (*e*)). *Prosecution:* Summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $100.

39. *Excessive Speed Over Highway Crossing not Protected as Ordered.—Statute: Railway Act,* 1919, ch. 68, sec. 421 (*f*). *Offence:* Any train of the company passing at a greater speed than ten miles an hour, over any highway crossing at rail level in respect of which crossing an order of the Board has been made to provide protection for the safety and convenience of the public which order has not been complied with (sec. 421 (*f*)). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $100.

40. *Omitting to Give Warning of Train Backing Out.—Statute: Railway Act,* 1919, ch. 68, sec. 421 (*g*). *Offence:* Company allowing train in city, town or village to pass over or along a highway at rail level not adequately protected by gates or otherwise, without having, in the case of a train not headed by an engine, a person stationed on that part of the train which is then foremost, to warn persons standing on or crossing or about to cross the track of such railway (sec. 421 (*g*)). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $100.

41. *Electric Railway Company Crossing its Cars at Rail Level without Signal from Watchman.—Statute: Railway Act,*

1919, ch. 68, sec. 421 (2)). *Offence:* Company operating an electric street railway allowing any electric car to pass over any crossing where its line of railway crosses any railway line subject to the *Railway Act,* at rail level, before a proper signal has been received by the conductor in charge of such electric car, from a competent person or watchman in charge of such crossing that the way is clear (sec. 421 (2)). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $100.

42. *Electric Railway Conductor Omitting to Flag Car at Level Crossing where no Watchman Present.—Statute: Railway Act,* 1919, ch. 68, sec. 421 (2)). *Offence:* Conductor of company operating an electric railway where there is no competent person or watchman in charge of such crossing, omitting, before crossing same, to go forward and see that the track to be crossed is clear, before giving the signal to the motorman that the way is clear and to proceed, or not bringing electric car to full stop before passing over such crossing, unless exempted therefrom by the Board (sec. 421 (2)). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $100.

43. *Trains Obstructing Highway. Statute: Railway Act,* 1919, ch. 68, sec. 422 (1). *Offence:* Whenever at any highway crossing at rail level any engine, tender, or car, or any part thereof, is wilfully allowed by the company, its officers, agents or employees to stand on any part of such highway for a longer period than five minutes at one time, or, in shunting, to obstruct public traffic for a period longer than five minutes at one time, every officer, agent or employee of the company who has directly under or subject to his control, management or direction, any such engine, tender or car, is guilty of an offence (sec. 422 (1)). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $50 for company and $50 for employee, &c. *Special Provision.* If Court thinks offence is excusable case may be dismissed, costs being in the discretion of the Court (sec. 422 (1)). When rules of company require such obstruction the employee is not liable and superintendent or person in charge of railway or division is liable for same. *Penalty:* Not exceeding $200 in this event (sec. 422 (2)).

XIII. Intoxication.

44. *Intoxication of Railway Employees.—Statute: Railway Act,* 1919, ch. 68, sec. 423. *Offence:* Conductor, locomotive

engineer, train despatcher, telegraph operator, station agent, switchman, signal man, bridge tender, or any other person who is intoxicated or under the influence of liquor while on duty, in charge of, or in any employment having to do with the movement of trains upon any railway is guilty of an offence (sec. 423). *Prosecution:* Before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or person having powers of two Justices of the Peace (sec. 448 (2)). *Penalty:* $400 or 5 years' imprisonment or both, in the discretion of the Court, before which the conviction is had and according as such Court considers the offence more or less grave as causing injury to any person or property or as exposing or likely to expose any person or property to injury, although no actual injury occurs (sec. 423).

45. *Selling Liquor to Railway Employees on Duty.—Statute: Railway Act,* 1919, ch. 68, sec. 424. *Offence:* Any person selling, giving or bartering any spirituous or intoxicating liquor to, or with any servant or employee of any railway company, while on duty (sec. 424). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $50 or imprisonment, with or without hard labour for a period not exceeding one month, or to both (sec. 424).

XIV. Traffic Regulations.

46. *Contravening Toll Regulations of Board.—Statute: Railway Act,* 1919, ch. 68, sec. 426 (1). *Offence:* Company, or any director, or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such company, either alone or with any other company or person contravening section 425 with respect to toll regulations (sec. 425). *Prosecution:* Indictment or criminal information (sec. 448 (3)). On consent of Board (sec. 425 (2)). *Penalty:* Min., $100; max., $1,000. *Special Provisions:* Consent of Board required to prosecutions under this section (sec. 425 (2)).

47. *Railway Company Giving Free Pass. — Statute: Railway Act,* 1919, ch. 68, sec. 426. *Offence:* Any company or any officer or agent thereof, or any person acting for or employed by such company, who in contravention of the provisions of the *Railway Act,* 1919, directly or indirectly issues or gives any free ticket or free pass whether for a specific journey or periodical or annual pass, or who arranges for or permits the transportation of passengers except on payment of the fares properly chargeable, for such transportation under the tariff filed under the pro-

visions of this Act, and at the time in effect, commits an offence (sec. 426). *Prosecution:* On indictment or criminal information (sec. 448 (3)), with consent of Board (sec. 426 (2). *Penalty:* User of pass or free ticket or company issuing, &c., min., $100; max., $1,000 (sec. 426). *Special Provisions:* Consent of Board required for prosecution (sec. 426 (2)).

48. *False Billing by Company or Transportation of Goods for Less than Tariff Rate.—Statute: Railway Act* 1919, ch. 68, sec. 427. *Offence:* Any company or any officer or agent thereof or any person acting for or employed by such company, who, by means of false billing, false classification, false report of weight, or by any other device or means, knowingly, wilfully or willingly suffers or permits any person or persons, to obtain transportation for goods at less than the required tolls then authorized and in force on the railway of the company is guilty of an offence (sec. 427). *Prosecution:* Indictment or criminal information with leave of Board (sec. 448 (3)). *Penalty;* Min., $100; max., $,1000. *Special Provisions:* Consent of Board required before prosecution can be instituted (sec. 427 (2)).

49. *False Billing by any Person or Delivering Goods for Transportation by Company at less than Tariff Rate.—Statute:* The *Railway Act,* 1919, ch. 68, sec. 428. *Offence:* Any person or any officer or agent of an incorporated company who delivers goods for transportation to such railway company or for whom as consignor or consignee the company transports goods, who knowingly or wilfully by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight, or by any other device or means whether with or without the consent or connivance of the company, its agent or agents, obtains, or knowingly or wilfully attempts to obtain transportation for such goods at less than the regular tolls than authorized and in force on the railway, is guilty of an offence (sec. 428). *Prosecution:* Indictment or criminal information (sec. 448 (3)), with leave of Board (sec. 428 (4)). *Penalty:* Min., $100; max., $1,000, and the Board may order payment to company of a further toll not exceeding 50 per cent. of regular charge (sec. 428).

50. *Unjust Discrimination.—Statute:* The *Railway Act,* 1919, ch. 68, sec. 429. *Offence:* Any person or company, or any officer or agent of any company, (*a*) who offers, grants or gives, or solicits, accepts or receives any rebate, concession or discrimination, in respect of the transportation of any traffic by the

company, whether any such traffic is by any device whatsoever, transported at a less rate than that named in the tariff then in force; or (*b*) for whom the company or any of its officers or agents is by any such means induced to transport traffic, and thereby to discriminate unjustly in favour of any such person, company, officer or agent as against any other person or company; or, (*c*) who aids, or abets the company in any unjust discrimination, commits an offence (sec. 429). *Prosecution:* On indictment or criminal information (sec. 448 (3)), with consent of Board (sec. 429 (2)). *Penalty:* Min., $100; max., $1,000 (sec. 429). *Special Provisions:* Consent of Board required for prosecution (sec. 429 (2)).

51. *Departing from Tolls in Regular Tariff.—Statute:* Railway Act, 1919, ch. 68, sec. 430. *Offence:* Any company which has filed with the Board any tariff and such tariff comes into force and is not disallowed by the Board under the Railway Act, 1919, or any company participating in any such tariff, which departs from the tolls in such tariff, when so in force, commits an offence under the Act (sec. 430). *Prosecution:* Indictment or criminal information (sec. 448 (3), with consent of Board (sec. 430 (2)). *Penalty:* Min., $20; max., $5,000 (sec. 444). *Special Provision:* Leave of Board required (sec. 448 (4)).

52. *Shipping Unmarked Explosives by Rail.—Statute:* Railway Act, 1919, ch. 68, sec. 432. *Offence:* Any person who sends by any railway any gunpowder, dynamite, nitroglycerine, or any other goods which are of a dangerous or explosive nature, without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station agent or employee of the company whose duty it is to receive such goods, and to whom the same are delivered, commits an offence (sec. 432). *Prosecution:* Indictment or criminal information (sec. 448 (3)). *Penalty:* $2,000 or two years' imprisonment or both (sec. 432).

53. *Carrying Explosives on Train.—Statute: Railway Act,* 1919, ch. 68, sec. 432 (*b*). *Offence:* Any person carrying or taking upon any train any gunpowder, dynamite, nitroglycerine, or any other goods which are of a dangerous or explosive nature for the purpose of carriage (sec. 432 (*b*). *Prosecution:* Indictment or criminal information (sec. 448 (3)). *Penalty:* $2,000 or two years' imprisonment or both (sec. 432).

54. *Railway Company Carrying Dangerous Goods Otherwise than in Accordance with Regulations.—Statute: Railway Act,*

1919, ch. 68, sec. 433. *Offence:* Any railway company to which the *Railway Act,* 1919, applies, carrying any goods of an explosive or dangerous nature except in conformity with the regulations, or an order, made by the Board in that behalf (sec. 433). *Prosecution:* On indictment or criminal information (sec. 448 (3)). *Penalty:* $500. *Special Provisions:* Leave of Board required (sec. 448 (4)).

55. *Refusing to Check Baggage.—Statute: Railway Act,* 1919, ch. 68, sec. 434. *Offence:* Railway company improperly refusing upon demand to affix a cheque to any parcel of baggage having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport or to deliver a duplicate of such check to such passenger (sec. 434). *Penalty:* $8 (sec. 434).

56. *Breaking Seals on Railway Car or Opening Packages with Intent to Steal.—Statute: Railway Act,* 1919, ch. 68, sec. 435. *Offence: Any person:—*(*a*) Opening packages with intent to steal contents, or (*b*) unlawfully breaking seal on any railway car (sec. 435). *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or person having powers of two Justices of the Peace (sec. 448 (2). *Penalty:* Not exceeding $500, or imprisonment with or without hard labour not exceeding 1 year or both (sec. 435).

57. *Drinking or Wasting Liquor in Transit on Railway.—Statute: Railway Act,* 1919, ch. 68, sec. 435 (*c*). *Offence:* Any person unlawfully drinking or wilfully spilling or allowing to run to waste any liquids (sec. 435 (*c*)). *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or person having power of two Justices of the Peace (sec. 448 (2)). *Penalty:* Not exceeding $500, or imprisonment not exceeding 1 year or both, with or without hard labour (sec. 435 (*c*)).

58. *Carrying Goods by Express without Filing Tariff.—Statute: Railway Act,* 1919, ch. 68, sec. 436. *Offence:* Company carrying or transporting, and every officer or employee thereof who directs or knowingly permits to be carried or transported, any goods by express, (*a*) unless and until tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner required by this Act; or (*b*) in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto; or (*c*) in any case where

such express toll in any tariff has been disallowed by the Board. *Prosecution:* On summary conviction before one Justice of the Peace, &c. (sec. 448 (1)). *Penalty:* Not exceeding $100 (sec. 436).

XV. Statistics and Returns.

59. *Company Failing to make Return under Sec. 437. Statute: Railway Act,* 1919, ch. 68, sec. 437. *Offence:* Railway, telegraph, telephone or express company failing or neglecting to prepare and furnish to the Board as required by section 437 of the *Railway Act,* 1919 (sec. 437). *Prosecution:* On indictment or criminal information (sec. 448 (3)), with consent of Board (sec. 448 (4)). *Penalty:* $10 a day during default. *Special Provision:* Person signing false return is guilty under sec. 437 (2) of an offence punishable on summary conviction (sec. 437 (2)).

60. *Company Failing to make Return of Accidents, &c., under Sec. 438. Statute: Railway Act,* 1919, ch. 68, sec. 438. *Offence:* Railway, telegraph, telephone or express company failing or neglecting to deliver returns under sec. 438 of the *Railway Act,* 1919 (sec. 438). *Prosecution:* Court of competent jurisdiction. *Penalty:* $100 a day during neglect (sec. 438).

61. *Company Failing to make Return of Assets and Liabilities, &c., under Sec. 439.—Statute; Railway Act,* 1919, ch. 68, sec. 439. *Offence:* Company (railway, telegraph, telephone or express) or its officers, servant or agent, wilfully or negligently refusing to make return under sec. 439 (sec. 439). *Prosecution:* Indictment or criminal information (sec. 448 (3)), with leave of Board (sec. 448 (4)). *Penalty:* $1,000. In case of officer, &c., penalty is 12 months' imprisonment.

62. *Company making False Returns to Board.—Statute: Railway Act,* 1919, ch. 68, sec. 440. *Offence:* Company, or any officer, servant or agent of such company wilfully or negligently making any return to Board falsely, or makes any false statement in any such return (sec. 440). *Prosecution:* Indictment on criminal information (sec. 448 (3)), with consent of Board (sec. 448 (4)). *Penalty:* Company $1,000 (sec. 440 (1)), officer or agent $1,000 and 12 months' imprisonment (sec. 440 (2)).

63. *Publishing Information, in Possession of Board, without Authority.—Statute: Railway Act,* 1919, ch. 68, sec. 441. *Offence:* Any officer or servant of Board, or any person having access to, or knowledge of, any return made to the Board, or of

any evidence taken by the Board in connection therewith without the authority of the Board first obtained, publishing or making known any information, having obtained the same, or knowing the same to have been derived from such return or evidence (sec. 441). *Prosecution:* Before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or person having powers of two Justices of the Peace (sec. 448 (2)). *Penalty:* $500 and six months imprisonment (sec. 441).

XVI. Railway Constables.

64. *Railway Constable Neglecting his Duties.—Statute: Railway Act,* 1919, ch. 68, sec. 442. *Offence:* Constable appointed under the authority of the *Railway Act,* 1919, being guilty of any neglect or breach of duty in his office of constable (sec. 442). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $80 or two months with or without hard labour (sec. 442). *Special Pro* visions. Penalty may be deducted from salary (sec. 442 (2)). Venue is where offence was committed (sec. 442 (3)).

64*a*. *Destroying or Injuring Railway Fences, Buildings, &c. Statute: Railway Act,* 1919, ch. 68, sec. 443 (*a*). *Offence:* Any person wilfully breaking down, injuring, weakening or destroying any gate, fence, erection, building or structure of any railway company (sec. 443). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 446 (1)). *Penalty:* $50 or in default of payment 2 months with or without hard labour (sec. 443).

64*b*. *Removing or Defacing Railway Notices.—Statute: Railway Act,* 1919, ch. 68, sec. 444 (*b*). Any person who removes, obliterates, defaces or destroys, any printed or written notice, direction, order, by-law or regulation, of a company, or any section of or extract from the *Railway Act,* 1919, or any other Act of Parliament, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company or any car upon any railway commits an offence (sec. 444). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $50 or in default of payment 2 months with or without hard labour (sec. 443).

64*c*. *Riding on Train without Paying Fare.—Statute: Railway Act,* 1919, ch. 68, sec. 443 (*c*). *Offence:* Any person entering upon any railway train, with intent fraudulently to be

carried upon the said railway without paying fare thereon (sec. 443 (*c*)). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $50 or in default of payment to imprisonment with or without hard labour for 2 months (sec. 443).

65. *Obstructing Officer or Agent of Railway Company on Duty.—Statute: Railway Act,* 1919, ch. 68, sec. 443 (*d*). *Offence:* Any person wilfully obstructing or impeding any officer or agent of any company in the execution of his duty upon any train or railway, or upon any of the premises of the company (sec. 443 (*d*)). *Prosecution:* Before one Justice of the Peace on summary conviction (sec. 448 (1)). *Penalty:* $50 or in default of payment to imprisonment not exceeding 2 months with or without hard labour (sec. 443).

66. *Trespassing on Railway Property.—Statute: Railway Act,* 1919, ch. 68, sec. 443 (*e*). *Offence:* Any person, not being an employee of the company, wilfully trespassing by entering upon any of the stations, cars, or buildings of the company in order to occupy the same for his own purposes (sec. 443 (*e*)). *Prosecution:* On summary conviction before one Justice of the Peace (sec. 448 (1)). *Penalty:* $50 or in default of payment to imprisonment without hard labour (sec. 443).

67. *Violations of Railway Act, 1919, not Otherwise Provided for.—Statute: Railway Act,* 1919, ch. 68, sec. 444. *Offences:* Any company which, or any person who, being a director or officer thereof, or being a receiver, trustee, lessee, agent or otherwise acting for or employed by such company, or being a contractor or other person having to do with the railway or other works of the company, does, causes, or permits to be done, any matter, act or thing contrary to the provisions of the *Railway Act,* 1919, or any special Act, or to the orders, regulations or directions of the Governor-in-Council or of the Minister, or of the Board made under the *Railway Act,* 1919; or omits to do any matter, act, or thing, thereby required to be done on the part of any such company or person, is, if no other penalty is provided in the *Railway Act,* 1919, or any Special Act, for any such act or omission, liable for certain penalties (sec. 444). *Prosecution:* Indictment or criminal information (sec. 448 (3)), with consent of Board (sec. 448 (4)). *Penalty:* Min., $20; max., $5,000.

XVII. Government Railways.

68. *Railway Constable's Neglect or Breach of Duty.—Statute:* The *Government Railways Act,* R. S. C. 1906, ch. 36, sec. 69. *Offence:* While acting as a railway constable under the *Government Railways Act* committing a breach of duty in his office as such constable. *Procedure:* Summary conviction. *Court:* Any Court of summary jurisdiction within any county, city, district, or other local jurisdiction through which the railway passes. *Punishment:* Fine not exceeding $80 or to imprisonment for a term not exceeding two months. In the case of a constable receiving a salary the penalty may be deducted from the salary due (sec. 69 (2)). *Special Provisions: Application of penalties.*—A moiety of every penalty belongs to His Majesty for the public uses of Canada. The other moiety belongs to the informer, unless he is an officer, servant, or person in employ of Minister, in which case whole penalty goes to His Majesty (sec. 79 (2)). *Recovery of Penalties:* Except as specially provided otherwise in any section of the Act, or regulation, &c, penalties are recoverable by summary conviction before a Justice of the Peace. Distress is to be levied and in default not exceeding 30 days' imprisonment may be given (sec. 79 (1)), unless a longer term is provided as for example (sec. 76).

69. *Resisting or Assaulting Railway Constables.—Statute:* The *Government Railways Act,* R. S. C. 1906, ch. 36, sec. 70. *Offence:* Assaulting or resisting a constable appointed under the *Government Railways Act* in the execution of his duty or inciting any person to assault or resist a constable appointed under the *Government Railways Act,* R. S. C. 1906, ch. 36, *Procedure:* Summary conviction. *Court:* Any Court of summary jurisdiction. *Penalty:* Fine not exceeding $80 or to imprisonment with or without hard labour for a term not exceeding two months. *Special Provisions, Application and Recovery of Penalties:* (see *ante,* 68).

70. *Placing Freight Cars in Rear of Passenger Cars on Government Railways.—Statute:* The *Government Railways Act,* R. S. C. 1906, ch. 63, sec. 71. *Offence:* Directing or knowingly permitting any baggage, freight, merchandise or lumber cars to be placed in the rear of passenger cars. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Penalty:* None specially mentioned. *Special Provisions. Application of Recovery of Penalties* (see *ante,* 68).

71. *Intoxication of Driver or Conductor of Government Railway. Statute:* The *Government Railways Act,* R. S. C. 1906, ch. 36, sec. 72. *Offence:* Being intoxicated while in charge of a locomotive engine, or while acting as the conductor of a car or train of cars. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Punishment:* None specially mentioned. *Special Provisions: Application and recovery of penalties* (see *ante,* 68).

72. *Regulations and Orders of Government Railways.—Statute:* The *Government Railways Act,* R. S. C. 1906, ch. 36, sec. 73. *Offence:* Wilfully or negligently violating any rule, order or regulation of the Department, or regulation of the Governor-in-Council lawfully made, or in force respecting the railway on which he is employed and of which a copy has been posted up or open to his inspection in some place where his work or duties or any of them are to be performed, such violation causing injury to any property or to any person or exposes any person or property to risk of injury or renders such risk greater than it would have been but for such violation, although no actual injury occurs, thereby violating sec. 73 of the *Government Railways Act,* R. S. C. 1906, ch. 36. *Procedure:* On indictment and summary conviction. *Court:* Any Court of competent criminal jurisdiction where offence committed or offender is found. *Penalty:* (*a*) *Indictment.* In the discretion of the Court before which the conviction is had, and according as such Court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, by fine not exceeding $400 or by imprisonment not exceeding five years, or by both fine and imprisonment (sec. 73). (*a*) *Summary conviction.* If such violation does not cause injury to any property or person or expose any property or person to the risk of injury, or make such risk greater than it would have been but for such violation a penalty, in the discretion of the Justice, not exceeding 30 days' pay and not less than 15 days' pay can be imposed (sec. 74). Special Provisions (see *ante,* 68).

73. *Sending Dangerous Goods Unmarked and without Notice.—Statute:* The *Government Railways Act,* R. S. C. 1906, ch. 36, sec. 75. *Offence:* Sending or carrying by a Government Railway any aquafortis, oil or vitriol, gunpowder, dynamite, nitro-glycerine, or any other goods of a dangerous nature without at the time of sending or carrying the said goods, distinctly

marking their nature on the outside of the package containing the same and otherwise giving notice in writing to the station master or other servant with whom the same are left. *Procedure:* None specially mentioned, but apparently it is by summary conviction under sec. 79. *Court:* Any Court of competent jurisdiction under sec. 79. *Penalty:* Fine not exceeding $500. *Special Provisions: Application and recovery of penalties* (see *ante,* 68).

74. *Obstructing Officers or Employees in Exercise of Duty on Government Railway.—Statute:* The *Government Railways Act,* R. S. C. 1906, ch. 36, sec. 76. *Offence:* Wilfully obstructing any officer or employee of Government Railway in the execution of his duty. *Procedure:* On summary conviction (sec. 76). *Court:* Any Court of summary jurisdiction. *Penalty:* Fine not exceeding $40, and in default of payment not exceeding 3 months imprisonment (sec. 76). *Special Provisions: Application and recovery of penalties* (see *ante,* 68).

75. *Cattle on Government Railways.—Statute:* The *Government Railways Act,* R. S. C. 1906, ch. 36, sec. 77. *Offence:* Riding, leading or driving any horse or any other animal or permitting any horse or any other animal to enter upon a Government Railway without the consent of an officer or employee of the Minister of Railways. *Procedure:* None specially mentioned, but presumably it is on summary conviction under sec. 79. *Court:* Any Court of competent jurisdiction. *Penalty:* Fine not exceeding $40 and payment to the person aggrieved of all damages sustained (sec. 77). *Exception:* No person is liable to the penalty where he rides, leads or drives the animal over a farm crossing unless he allows it to unnecessarily loiter or remain upon the railway or appurtenances thereof (sec. 77). *Special Provisions: Application and recovery of penalties* (see *ante,* 68).

76. *Walking Along Government Railway Track.—Statute:* The *Government Railways Act,* R. S. C. 1906, ch. 36, sec. 78. *Offence:* Walking along the track of a Government Railway, at a place other than where the same is laid across or along a highway. *Procedure:* Apparently on summary conviction under sec. 79, as none is specially provided in the section. *Court:* Any Court of competent jurisdiction. *Penalty:* Not exceeding $20. *Special Provisions: Application and recovery of penalties* (see *ante,* 68).

XVIII. Mischief on Railways.

77. *Mischief—Signals, Points, Rails, &c.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 282 (*a*). *Offences:* Any person unlawfully, with intent to injure or to endanger the safety of any person travelling or being upon any railway:—1, *Stones on railway*—Puts or throws upon or across such railway any wood, stone or other matter or thing; 2, *Removing sleeper or rail*—Takes up, removes or displaces, any rail, railway switch, sleeper or other matter or thing belonging to such railway, or injures or destroys, any track, bridge or fence, of such railway, or any portion thereof; 3, *Diverting points, &c.*—Turns, moves, or diverts, any point or other machinery belonging to such railway; 4, *Removing signals.*—Makes or shows, hides or removes any signal or light upon or near to such railway; 5, *Otherwise.*—Does or causes to be done any other matter or thing with such intent. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

78. *Mischief — Engine, Carriages, Cars, &c. — Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 282 (*b*). *Offence:* Any person unlawfully throwing or causes to fall or strike at, against, into or upon, any engine, tender, carriage, or truck, used and in motion, upon any railway, any wood, stone, or other matter or thing with intent to injure or endanger the safety of any person being in or upon such engine, tender, carriage, or truck, or in or upon any other engine, tender, carriage or truck of any train of which such first mentioned engine, tender, carriage or truck forms part. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

XIX. Negligence on Railways.

79. *Endangering Safety of Persons on Railways by Negligence.—Statute: Criminal Code,* R. S. C. 1906, ch. 146, sec. 283. *Offence:* Any person by any unlawful act, or by any wilful omission or neglect of duty, endangers, or causes to be endangered, the safety of any person conveyed or being in or upon a railway or aids or assists therein. *Prosecution:* On indictment. *Penalty:* 2 years.

80. *Negligence Causing Bodily Injury. — Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 284. *Offence:* Any person, by any unlawful act, or by doing negligently, or omitting

to do any act which it is his duty to do causes grievous bodily injury to any other person. *Prosecution:* On indictment. *Penalty:* 2 years.

XX. Railway Tickets.

81. *Railway Tickets.* (*Unlawful Practices with Regard to Railway Tickets.—See* Railway Tickets, *infra*).

XXI. Miscellaneous.

82. *Railway Company Neglecting to Keep Record under War Revenue Act,* 1915, *of Tickets Sold.—See* War 11.

83. *Railway Company Officers Neglecting to make Returns under War Revenue Act,* 1915.—*See* War 12.

84. *Railway Company Officers making False or Deceptive Statements in Return under War Revenue Act,* 1915.—*See* War 13.

85. *Railway Company Officers Negligently Signing Returns under War Revenue Act,* 1915.—*See* War 14.

86. *Purchaser of Railway Ticket Refusing to Pay War Tax,* —*See* War 14.

87. *Conductor Failing to Arrest Gamblers on Train.—See* Gambling 3.

88. *Failing to Comply with Provisions of Grain Act Respecting use of Grain Cars.—See* Grain 16, 27.

89. *Possessing or Carrying Offensive Weapons near Railway Construction Works After Proclamation.—See* Offensive Weapons 20-22.

90. *Conductor of Train Permitting Dutiable Goods to be Unloaded before Passing Customs.—See* Customs 9.

91. *Aiding and Abetting Importation of Goods in Violation of Customs Laws.—See* Customs 10.

Railway Tickets—

1. *Selling Tickets Unlawfully.—Statute:* The *Passenger Ticket Act,* R. S. C. 1906, ch. 38, sec. 10. *Offence:* Without having the necessary authority therefor, selling or offering for sale any railway, steamboat or ferry passenger ticket, or pass, ticket, certificate or other instrument enabling any person or purporting to entitle any person to travel on railway, steamboat and ferry. *Procedure:* Summary conviction under Part XV. of Criminal Code. *Court:* Any Justice of the Peace. *Punishment:* Fine not exceeding $50, and not less than $20 and costs, or to imprisonment

for a term not less than 10 days and not more than 90 days, or to both penalty and imprisonment (sec. 10 (*a*)).

2. *Selling Unused Portion.—Statute:* The *Passenger Tickets Act,* R. S. C. 1906, ch. 38, sec. 10 (*b*). This section applies to any person. *Offence:* Issuing the unusued portion of any ticket otherwise than by presentation of the same for redemption under the provisions of the Act. *Procedure:* On summary conviction under Part XV. of the Criminal Code. *Court:* Any Justice of the Peace. *Punishment:* Fine not exceeding $50, and not less than $20 and costs, or to imprisonment not exceeding 90 days and not less than 10 days or to both fine and imprisonment, in the discretion of the Court.

3. *Alteration of Ticket.—Statute:* The *Passenger Tickets Act,* R. S. C. 1906, ch. 38, sec. 10 (*c*). *Offence:* Fraudulently altering, changing or imitating the signature of the agent, or the date written or stamped upon any ticket. *Procedure:* On summary conviction under Part XV. of Criminal Code. *Court:* Any Justice of the Peace. *Punishment:* Fine not exceeding $50 and not less than $20 and costs or to imprisonment for a term not exceeding 90 days and not less than 10 days, or both fine and imprisonment in the discretion of the Court.

4. *Theft of Railway Tickets.—See* THEFT 20.

Rape—

1. *Rape.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 299. *Offence:* Any person committing rape. *Prosecution:* On indictment. *Penalty:* Death or imprisonment.

2. *Attempted Rape.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 300. *Offence:* Any person attempting to commit rape. *Prosecution:* On indictment. *Penalty:* 7 years.

Receiving—

1. *Stolen Property.—See* STOLEN PROPERTY 2, 3, 4, 6.

2. *Deserters' Clothing and Necessaries.—See* PUBLIC STORES. 7, 10.

3. *Wreck.—See* WRECKS 3.

Records—

1. *Uttering False Copy of Court Records.—Statute:* Criminal Code, sec. 482 (*c*). *Offence:* Any person, being an officer having custody of the records of any Court, or being the deputy of any such officer, wilfully utters a false copy or certificate of any record. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Fraudulently Signing Name of Court Officer.—Statute:* Criminal Code, sec. 482 (*d*). *Offence:* Any person, not being

an officer having custody of the records of any Court, or not being his deputy, fraudulently signs or certifies any copy of certificate of any record, or any copy of any certificate, as if he were such officer or deputy. *Prosecution:* On indictment. *Penalty:* 7 years.

3. *Knowingly Certifying False Copy by Official.—Statute:* Criminal Code, sec. 483 (*a*). *Offence:* Any person being an officer required or authorized by law, to make or issue any certified copy of any document or of any extract from any document, wilfully certifies, as a true copy of any document, or of any extract from any such document, any writing which he knows to be untrue in any material particular. *Prosecution:* On indictment. *Penalty:* 2 years.

4. *Fraudulently Signing Name of any Official.—Statute:* Criminal Code, sec. 483 (*b*). *Offence:* Any person, not being the officer required or authorized by law to make or issue any certified copy of any document or of any extract from any document, fraudulently signs or certifies any copy of any document, or of any extract from any document as if he were such officer. *Prosecution:* On indictment. *Penalty:* 2 years.

Revenue—

(*a*) CONSOLIDATED REVENUE.

1. *Receiving Bribes.* — R. S. C. 1906, ch. 24, sec. 84 (*a*). *Offence:* Receiving any compensation or reward for the performance of an official duty, such compensation or reward not being one by law prescribed. *Procedure:* On indictment. *Court:* Court of competent criminal jurisdiction. *Punishment:* Fine not exceeding $500, and to imprisonment for any term not exceeding one year. *Additional Punishment:* Dismissal from office. *Special Provisions:* Limitation of Action. All actions must be commenced within 6 months after commission of act (sec. 95 (1). *Venue:* All actions and prosecutions must be laid and tried in district, county or judicial division where the act was committed (sec. 95 (1)). *Notice:* In the case of actions a month's notice must be given defendant before commencement (sec. 95 (2)). *Costs and Damages:* In actions where "probable cause" is established damages are limited to twenty cents without costs (sec. 95 (6)). In the case of "seizures" if probable cause is established, the person making seizure is not liable to suit or prosecution therefor (sec. 95 (7)).

Remission of penalties. The Governor-General-in-Council may remit fines, forfeitures or penalties, either conditional or unconditional (sec. 92). *Recovery of Fines, Forfeitures, &c.:* The whole penalty belongs to His Majesty for the public uses of Canada and he may allow any portion of it to the informant or other person by whose aid the same was recovered (sec. 94).

2. *Conspiring to Defraud.* — R. S. C. 1906, ch. 24, sec. 84 (*b*). *Offence:* Conspiring or colluding with any other person to defraud the Crown, thereby violating section 84 (*b*) of the *Consolidated Revenue and Audit Act,* R. S. C. 1906, ch. 24. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Punishment:* Fine not exceeding $500 and to imprisonment for any term not exceeding one year. *Additional Punishment:* Dismissal from office. *Special Provisions* (see *ante,* 1).

3. *Permitting Breach of Revenue Law.—Statute:* The *Consolidated Revenue and Audit Act,* R. S. C. 1906, ch. 24, sec. 84 (*c*). *Offence:* Designedly permitting a violation of the Revenue Laws by any person. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Punishment:* Fine not exceeding $500 and to imprisonment for any term not exceeding one year. *Additional Punishment:* Dismissal from office. *Special Provisions* (see *ante,* 1).

4. *Making False Entries.—Statute: Consolidated Revenue and Audit Act,* R. S. C. 1906, ch. 24, sec. 84 (d). *Offence:* Wilfully making or signing a false entry in any book, *or* wilfully making or signing a false certificate or return in any case. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Punishment:* Fine not exceeding $500 and to imprisonment for any term not exceeding one year. *Additional Punishment:* Dismissal from office. *Special Provisions* (see *ante* 1).

5. *Not Giving Information.—Statute:* R. S. C. 1906, ch. 24, sec. 84 (*e*). *Offence:* Failing to report to his next superior officer certain knowledge or information of the violation of any revenue law by any person. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Punishment:* Fine not exceeding $500 and to imprisonment for any term not exceeding one year. *Additional Punishment:* Dismissal from office. *Special Provisions:* See the various provisions referred to, *ante,* 1.

6. *Demanding Reward for Condoning Offence.—Statute:* R. S. C. 1906, ch. 24, sec. 84 (*f*). *Offence:* Demanding or accepting or attempting to collect, directly or indirectly as payment or gift or otherwise, a sum of money or other thing of value, for the compromise, adjustment or settlement of a charge of complaint for a violation or alleged violation of the law, the same not having been authorized by law or by the department of which he is an officer. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Punishment:* Fine not exceeding $500 and to imprisonment for any term not exceeding one year. *Additional Punishment:* Dismissal from office. *Special Provisions:* (see *ante*, 1).

7. *Offering Bribes to Revenue Officers.—Statute:* R. S. C. 1906, ch. 24, sec. 85 (*a*). *Offence:* Directly or indirectly promising, offering or giving or causing or procuring to be promised, offered or given any money, goods, chose in action, bribe, present or reward, or any promise, contract, undertaking, obligation or security for the payment or delivery of any money, goods, chose in action, bribe, present or reward or any valuable thing whatever with intent to influence his decision or to commit any fraud in violation of the *Consolidated Revenue and Audit Act*, R. S. C. 1906, ch. 24, sec. 85 (*a*). *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Punishment:* Fine not exceeding three times the amount of money offered, and imprisonment not exceeding one year. *Additional Punishment:* Forfeiture of office and disqualification from holding any office under Crown. *Special Provisions:* (see *ante*, 1).

8. *Officer Accepting Bribe.—Statute:* R. S. C. 1906, ch. 24, sec. 85 (*b*). *Offence:* Accepting or receiving any moneys, goods, chose in action, bribe, present, or reward, or any promise, contract, undertaking, obligation or security for the payment or delivery thereof or any other valuable thing. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Punishment:* Fine not exceeding three times amount offered or accepted, and to imprisonment for any term not exceeding one year. *Additional Punishment:* Forfeiture of office, and disqualification to hold any other office under Crown. *Special Provisions:* (see *ante*, 1).

9. *Revenue Officer Being Interested in Making Excisable Goods.—Statute:* R. S. C. 1906, ch. 24, sec. 86. *Offence:* While an officer employed in the collection of revenue, being or becoming interested in the manufacture of any article subject to

excise or did trade in any article subject to excise. *Procedure:* Suit. *Court:* Any Court of competent jurisdiction. *Penalty:* Not less than $50 and not exceeding $500. Special Provisions: (see *ante*, 1).

(*b*) CUSTOMS INLAND REVENUE.

10. *Inland Revenue.* *See* INLAND REVENUE.
11. *Customs.*—*See* CUSTOMS.
12. *Customs and Fisheries Protection.*—*See* FISHERIES.

(*c*) WAR REVENUE.

13. *War Revenue.*—*See* WAR.

Rifle-ranges—

1. *Use of Militia Rifle-range by Unauthorized Persons.*—*See* MILITIA 32.

Riots—

1. *Riots.* — Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 90. *Offence:* Any person being a rioter. *Prosecution.* On indictment. *Penalty:* 2 years with hard labour.

2. *Preventing Proclamation or not Dispersing after same.*—Criminal Code, R. S. C. 1906, ch. 146, sec. 92. *Offence:* 1, All persons who, with force and arms, wilfully oppose, hinder or hurt any person who begins or is ab ut to make the said proclamation, whereby such proclamation is not made; 2, all persons, who continue together to the number of 12 for 30 minutes after such proclamation has been made or if they know that its making was hindered as aforesaid, within 30 minutes after such hindrance. *Prosecution:* On indictment. *Penalty:* Life imprisonment. *Special Provisions:* Limitation of Action. Duty of officers. Indemnification of officers.

3. *Neglect of Peace Officer to Suppress Riot.*—Criminal Code, R. S. C. 1906, ch. 146, sec. 94. *Offence:* Every sheriff, deputy sheriff, mayor or other head officer, Justice or other Magistrate or other peace officer, of any county, city, town or district, who has notice that there is a riot within his jurisdiction, who without reasonable excuse omits to do his duty in suppressing such riot. *Prosecution:* On indictment. *Penalty:* 2 years.

4. *Neglect to Aid Peace Officer Thereat.*—Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 95. *Offence:* Any person

who, having reasonable notice that he is required to assist any sheriff, deputy sheriff, mayor or other head officer, Justice, Magistrate or peace officer in suppressing any riot without reasonable excuse omits to do so. *Prosecution:* On indictment. *Penalty:* 1 year.

5. *Riotous Destruction of Property.*—Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 96. *Offence:* Any person who, being riotously and tumultuously assembled together to the disturbance of the public peace, unlawfully and with force demolishes or pulls down, or begins to demolish or pull down, any building, or any machinery, whether fixed or movable, or any erection used in farming land or in carrying on any trade or manufacture, or any erection or structure used in conducting the business of any mine, or any bridge, wagon way, or track for conveying minerals from any mine. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

6. *Riotous Damage to Property.*—Criminal Code of Canada, R. S. C. 1906, ch. 146, Part II., sec. 97. *Offence:* All person, who being riotously or tumultuously assembled together to the disturbance of the public peace, unlawfully and with force injure or damage any of the things mentioned in section 96 (*i.e.*, any building, or any machinery, whether fixed or movable, or any erection used in farming land, or in carrying on any trade or manufacture or any erection or structure used in conducting the business of any mine or any bridge, wagonway or track for conveying minerals from any mine). *Prosecution:* On indictment. *Penalty:* 7 years' imprisonment.

Rivers—

1. *Dumping Saw Dust or Mill Refuse into Navigable River.*—*See* NAVIGABLE WATERS 2.

2. *Throwing Diseased Carcasses into River.*—*See* CONTAGIOUS DISEASES 5.

3. *Dumping Ashes on to Fishing Ground.*—*See* FISH AND FISHING 16.

4. *Depositing Lime or Putting Explosives in River in Order to Kill Fish.*—*See* FISH AND FISHING 14, 17.

Robbery—

1. *Robbery.*—*Statute:* Criminal Code, sec. 445. *Offence:* Any person committing robbery. *Prosecution:* On indictment. *Penalty:* 14 years.

2. *Robbery with Violence.*—*Statute:* Criminal Code, sec. 446 (*a*). *Offence:* Any person who robs any person, and at the

time of, or immediately before, or immediately after such robbery, wounds, beats, strikes, or uses any personal violence to such person. *Prosecution:* On indictment. *Penalty:* Life imprisonment and whipping.

3. *Robbery by Two or More Jointly.—Statute:* Criminal Code, sec. 446 (*b*). *Offence:* Any person being together with any other person or persons, robs, or assaults with intent to rob, any person. *Prosecution:* On indictment. *Penalty:* Life imprisonment and whipping.

4. *Robbery While Armed.—Statute:* Criminal Code, sec. 446 (*c*). *Offence:* Any person being armed with an offensive weapon or instrument, robs or assaults with intent to rob any person. *Prosecution:* On indictment. *Penalty:* Life imprisonment and whipping.

5. *Assault with Intent to Rob.—See* ASSAULT.

6. *Stopping Mail with Intent to Rob.—See* MAILS.

Royal North-West Mounted Police—

1. *Unlawful Acts by Member of Force.—R. N. W. M. P. Act,* R. S. C. 1906, ch. 91, sec. 29. *Offence:* Member, other than commissioned officer, disobeying lawful command, refusing to obey lawful command, striking superior officer, oppressive or tyrannical conduct toward inferior, intoxication, however slight, having liquor illegally in possession or concealed, receiving gratuity or bribe, wearing party emblem, manifesting political partizanship, overholding complaint, mutinous or insubordinate conduct, overholding allowances or public money, withholding money taken from prisoner, divulging any matter or thing, making anonymous complaint to Government or Commissioner, communicating matters to press, allowing prisoner to escape, violence towards prisoner or other person, leaving post when on sentry duty, absent from duties or quarters without leave, scandalous or infamous behaviour, disgraceful, profane or immoral conduct, violating standing orders, disorder or neglect to prejudice of discipline. *Prosecution:* Summary conviction. Commissioner, Assistant Commissioner, Superintendent or Commissioned Officer commanding post. *Penalty:* 2 months' pay, or imprisonment with hard labour 1 year, or both fine and imprisonment. If non-commissioned, reduction of rank in addition. Pecuniary penalties to form part of recreation fund.

2. *Desertion, Absence without Leave, Refusal to do Duty.—R. N. W. M. P. Act,* R. S. C. 1906, ch. 91, sec. 34. *Offence:* Member of force who having deserted, absented himself from his

duties without leave, or refused to do duty therein, is found within Canada, other than Saskatchewan, Alberta or North-West Territories, whether time of service has expired or not at time of finding. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Min., $100; max., $200, imprisonment in default 8 months, or imprisonment with hard labour, 12 months or both, fine and imprisonment. *Special Provisions:* Offence may also be tried in a summary way by officers if taken back in custody to headquarters. Limitation of Action during engagement or within 12 months thereafter, or if out of Canada, then within 12 months of return to Canada.

3. *Refusal to Deliver up Clothing.—R. N. W. M. P. Act,* R. S. C. 1906, ch. 91, sec. 35. *Offence:* Discharged or dismissed member refusing or neglecting to deliver up clothing, arms, and police property. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $50 over and above value of property.

4. *Personating R. N. W. M. P.—R. N. W. M. P. Act,* R. S. C. 1906, ch 91, sec. 36. *Offence:* Unlawfully putting on or assuming dress of R. N. W. M. P., or makes or gives inducement to member of force to forego duty or conniving at evasion of orders or regulations. *Prosecution:* Summary conviction on complaint of member. *Penalty:* $80 or imprisonment with or without hard labour, 6 months, or both fine and imprisonment.

5. *Unlawfully Selling or Buying R.N.W.M. P. Property.—R. N. W. M. P. Act,* R. S. C. 1906, ch. 91, sec. 37. *Offence:* Unlawfully disposing of, receiving, buying or selling, or having in possession, or refusing to deliver up, horse, vehicle, harness, arms, accoutrements, clothing or other things used for police purposes. *Prosecution:* Summary conviction. *Penalty:* Double value, and further penalty $25. Imprisonment in default, 3 months.

6. *Fraudulent Admission to Force or Obtaining Pay.—R. N. W. M. P. Act,* R. S. C. 1906, ch. 91, sec. 38. *Offence:* Concealing fact of dismissal, or by false or forged certificates, or false representations, obtaining admission into R. N. W. M. P. force or obtaining any pay. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $80, or imprisonment with or without hard labour not exceeding 6 months, or both fine and imprisonment.

7. *Obtaining Pension by False Pretences.—R. N. W. M. P. Act,* R. S. C. 1906, ch. 91, sec. 75. *Offence:* Constable obtaining

any pension by false representation or false evidence or by personation, malingering or feigning disease, or infirmity or by maiming himself or by fraud. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Imprisonment, 12 months with or without hard labour, or fine not exceeding $100. Forfeiture of pension.

8. *Persuading Member of R. N. W. M. P. to Desert.—See* DESERTION 4.

Salt—

1. *Neglecting to Comply with Law Respecting Inspection and Sale of Salt.—See* INSPECTION AND SALE 67.

Saw-Dust—

1. *Dumping Saw-dust or Mill Refuse in River.—See* NAVIGABLE WATERS PROTECTION 3.

Savings Banks—

1. *Forging Depositors Book.—Statute Saving Bank Act,* R. S. C. 1906, ch. 30, sec. 18. *Offence:* Forging, counterfeiting or imitating bank depositor's book; or authority of the Postmaster-General for repayment of a bank deposit; or any signature or writing in or upon a bank depositor's book, or authority aforesaid with intent to defraud. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Penalty:* Imprisonment for any term not exceeding seven years and not less than two years (sec. 18). *Special Provisions: Onus of proof:* In any action or proceeding for recovery of any penalty under this section the burden of proof that anything proved to have been done by the defendant was done in conformity to or without violation of the Act lies upon the defendant (sec. 21).

2. *Theft of Moneys; Alteration of Books.—Statute: Savings Bank Act,* R. S. C. 1906, ch. 30, sec. 41. *Offence:* Defacing, altering, erasing or in any manner or way whatsoever changing the effect of the books of account, or any entry therein for a fraudulent purpose; *or,* secreting, appropriating or stealing any bond, obligation, bill or note or any security for money or any moneys. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Punishment:* Imprisonment for life.

3. *Conversion of Money by Officer.—Statute: Savings Bank Act,* R. S. C. 1906, ch. 30, sec. 19. This section applies to every officer of, or connected with the bank system. *Offence:* Converting to his own use, *or* using by way of investment, *or* lending

with or without interest a portion of the public moneys entrusted to him as such officer for safe keeping or transfer or disbursement or for any other purpose. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Punishment:* None specially mentioned (sec. 19). *Special Provisions: Prima facie evidence:* The neglect or refusal by any officer to pay over any public moneys in his hands, or to transfer or disburse any such moneys promptly on the requirement of the Postmaster-General is *prima facie* evidence of such conversion to his own use of so much public moneys as is so in the hands of such officer (sec. 20). *Burden of Proof:* In any action or proceeding for the recovery of any penalty under this section the burden of proof that anything proved to have been done by the defendant was done in conformity to or without violation of the Act lies upon the defendant (sec. 21).

4. *Accessory to Conversion by Officer.—Statute: Savings Bank Act,* R. S. C. 1906, ch. 19 (2). This section applies to every person. *Offence:* Advising or knowingly and wilfully participating in the conversion to his own use by any officer or connected with bank system, of a portion of the public moneys entrusted to him under the *Savings Bank Act. Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Penalty:* Fine equal to amount of money stolen, and to imprisonment for a term not exceeding seven years and not less than three months (sec. 19 (2)).

5. *Falsely Pretending to be Owners of Deposits.—Statute: Savings Bank Act,* R. S. C. 1906, ch. 30, sec. 42. *Offence:* With intent to defraud, falsely pretending to be the owner of a deposit made under the *Savings Bank Act* or with intent to defraud falsely pretending to be entitled to the interest and demanding or claiming from any agent, &c., the payment thereof. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Punishment:* None specially mentioned (sec. 42).

6. *Refusing to make Returns of Deposits.—Savings Deposits Returns Act,* R. S. C. 1906, ch. 33, sec. 2. *Offence:* Wilfully refusing or neglecting to obey any Order-in-Council made under the *Savings Deposits Returns Act* requiring any return as to deposits, and the investment thereof, and register name of officer upon whom process may be served. *Procedure:* On indictment. *Court:* Any Court of competent criminal jurisdiction. *Penalty:* None specially mentioned.

Seals—

1. *Counterfeiting.—See* COUNTERFEITING 1, 2.

Second-hand Dealers—

1. *Purchasing Marked Boom-chains without Consent of Owner of Mark.—Statute:* Criminal Code, sec. 431 (*a*). *Offence:* Every one who, being a dealer in second-hand goods of any kind, trades or traffics in or has in his possession for sale any boom or other chains, lines or shackles for the use of rafting, storing, fastening or towing lumber or logs, and who purchases, trades, or traffics in any boom or other chain, line or shackle, which has upon it the trade mark duly registered or other mark or name of any person, without the written consent of such person, or who, without such consent, has in his possession any such boom, chains or other description of chains, lines or shackles for the purpose of sale or traffic. Prosecution: On summary conviction. *Penalty:* $25 or 30 days for first offence; $50 or 60 days for subsequent offence. (1919, ch. 46, sec. 11).

Secret Commissions—

1. *Agent Accepting Gifts for a Reward.*—The *Secret Commissions Act,* 1909, ch. 33, sec. 3 (*a*). *Offence:* Being an agent corruptly accepts or obtains, or agrees to accept or attempts to obtain from any person for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having after the passing of the *Secret Commissions Act,* 1909, done or forborne to do, any act relating to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person with relation to his principal's affairs or business. *Prosecution:* Indictable or triable on summary conviction. *Punishment:* On indictment 2 years or fine not exceeding $2,500, or to both; summary conviction, 6 months with or without hard labour or $100 fine, or both.

2. *Offering a Reward to an Agent.*—The *Secret Commissions Act,* 1909, ch. 33, sec. 3 (*b*). *Offence:* Person corruptly giving or agreeing to give or offering any gift or consideration to any agent as an inducement or reward or consideration to such agent for doing or forbearing to do or for having after the passing of the *Secret Commissions Act,* 1909, done or forborne to do any act relating to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person with relation to his principal's affairs or business. *Prosecu-*

tion: Indictable or triable on summary conviction. *Punishment:* On indictment, 2 years or fine not exceeding $2,500 or to both. On summary conviction 6 months with or without hard labour or $100 fine or both.

3. *False Statement Given to or Used by an Agent.—Statute:* The *Secret Commission Act,* 1909, ch. 33, sec 3 (*c*). *Offence* Person knowingly giving to an agent, or being an agent, knowingly uses with intent to deceive his principal, any receipt, account or other document, in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal. *Prosecution:* Indictable or triable on summary conviction. *Punishment:* On indictment 2 years or fine not exceeding $2,500, or to both. On summary conviction, 6 months with or without hard labour or $100 fine or both.

4. *Aiding and Abetting Offences under Act.*—The *Secret Commissions Act,* 1909, ch. 33, sec. 3 (*d*). *Offence:* Person being a party or knowingly privy to any offence under the *Secret Commissions Act,* 1909, ch. 33. *Prosecution:* Indictable or triable on summary conviction. *Punishment:* On indictment, 2 years' imprisonment or fine not exceeding $2,500 or both. On summary trial, 6 months' imprisonment with or without hard labour, or fine not exceeding $100 or both.

Sedition—

1. *Oaths to Commit Crimes.*—Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 129. *Offence:* Any person:—1, Administering or is present at and consenting to the administration of any oath or any engagement purporting to bind the person taking the same to commit any crimes punishable by death or imprisonment for more than five years; or 2, attempting to induce or compel any person to take any such oath or engagement; or 3, takes any such oath or engagement. *Prosecution:* On indictment. *Penalty:* 14 years.

2. *Other Unlawful Oaths.*—Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 130. *Offences:* Any person:—1, Administering, or is present at and consenting to the administration of any oath or engagement purporting to bind the person taking the same to engage in any mutinous or seditious purposes, or to disturb the public peace or commit or endeavour to commit any offence, or not to inform and give evidence against any associate, confederate or other person, or, not to reveal or discover any

unlawful combination or confederacy or any illegal act done or to be done, or any illegal oath or obligation or engagement which may have been administered or tendered to or taken by any person or the import of any such oath or obligation or engagement; *or*, 2, attempts to induce or compel any person to take any such oath or engagement; *or* 3, takes any such oath or engagement. *Prosecution:* On indictment. *Penalty:* 7 years.

3. *Seditious Words, Libel or Conspiracy.*—Criminal Code, R. S. C. 1906, ch. 146, Part II., sec 134. *Offences:* Any person speaking any seditious words or publishes any seditious libel, or is a party to a seditious conspiracy. *Prosecution:* On indictment. *Penalty:* 20 years.

4. *Libel on Foreign Sovereign.*—Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 135. *Offence:* Any person without lawful justification, publishes any libel tending to degrade, revile or expose to hatred and contempt in the estimation of the people of any foreign state, any prince or person exercising sovereign authority over such state. *Prosecution:* On indictment. *Penalty:* 1 year's imprisonment.

5. *Publishing or Circulating Seditious Books, Papers or Documents of any kind.—Statute:* Criminal Code, sec. 97 (*b*) (1). *Offence:* Any person printing, publishing, editing, issuing, circulating, selling, or offering for sale, or distribution, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind in which is taught, advocated, advised or defended the use without authority of law, of force, violence, terrorism or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, industrial, or economic change or otherwise. *Prosecution:* Presumably on indictment as no procedure is stipulated. *Penalty:* 20 years' imprisonment.

6. *Preaching Sedition. — Statute:* Criminal Code, sec. 97B (1). *Offence:* Any person in any manner teaching, advocating, or advising or defending the use without authority of law of force, violence, terrorism, or physical injury to person or property or threats of such injury, as a means of accomplishing any governmental, industrial, or economic change or otherwise. *Prosecution:* Presumably on indictment as no procedure is stipulated. *Penalty:* Twenty years' imprisonment.

7. *Mailing Seditious Literature.—Statute:* Criminal Code sec. 97B (2). *Offence:* Any person circulating or attempting to

circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind, in which is taught, advocated, or defended, the use, without authority of law, of force, violence, terrorism, or physical injury to person or property; or threats of such injury, as a means of accomplishing any governmental, industrial, or economic change or otherwise, by mailing the same or causing the same to be mailed or posted in any post office, letter box, or other mail receptacle in Canada. *Prosecution:* Presumably on indictment as no procedure stipulated. *Penalty:* 20 years' imprisonment. *Special Provisions:* All papers, &c., seized or taken possession of by post office authorities under this section are to be forwarded to Chief Commissioner of Dominion Police or Commissioner of R. N. W. M. P.

8. *Importing Seditious Literature.—Statute:* Criminal Code, sec. 97B (3). *Offence:* Any person importing into Canada from any other country, or attempting to import by or through any means whatsoever, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind which teaches, advocates, advises or defends the use, without authority of law, of force, violence, terrorism, or physical injury to person or property or threats of such injury, as a means of accomplishing any governmental, industrial or economic change or otherwise. *Prosecution:* Presumably on indictment as no special procedure is stipulated. *Penalty:* 20 years' imprisonment. *Special Provision:* All such literature seized must be forwarded to the Chief Commissioner of Dominion Police or Commissioner of R. N. W. M. P. (sec. 97B (4)).

Seduction—

1. *Seduction—Girls Between 14-16 Years.*—Criminal Code, R. S. C. 1906, ch. 146, sec. 211. *Offence:* Any person seducing or having illicit connection with any girl of previously chaste character of or above the age of 14 years and under the age of 16 years. *Prosecution:* On indictment. *Penalty:* 2 years. *Special Provisions:* Limitation of Action. Onus of proof.

2. *Seduction under Promise of Marriage.*—Criminal Code, R. S. C. 1906, ch. 146, sec. 212. *Offence:* Any person above the age of 21 years, under promise of marriage, seducing and having illicit connection with any unmarried female of previously chaste character and under 21 years of age. *Prosecution:* On indictment. *Penalty:* 2 years.

3. *Seduction of Ward by Guardian.*—Criminal Code, R. S. C. 1906, ch. 146, sec 213 (*a*). *Offence:* Any person, being a guardian, seducing or having illicit connection with his ward. *Prosecution:* On indictment. *Penalty:* 2 years.

4. *Seducing Female Employee.*—Criminal Code, R. S. C. 1906, ch. 146, sec 213 (*b*). *Offence:* Any person seducing or having illicit connection with any woman or girl previously chaste and under the age of 21 years who is in his employment in a factory, mill, workshop, shop or store, or, who, being in a common, but not necessarily similar employment with him in such factory, mill, workshop, shop, or store, is in respect of her employment or work in such factory, mill, workshop, shop, or store, under or in any way subject to his control or direction, or receives her wages, or salary directly or indirectly from him. *Prosecution:* On indictment. *Penalty:* 2 years.

5. *Seducing Female Passengers on Vessels.*—Criminal Code, R. S. C. 1906, ch. 146, sec. 214. *Offence:* Any person, being the master or other officer or a seaman or other person employed on board of any vessel while such vessel is in any water within the jurisdiction of the Parliament of Canada, under promise of marriage, or by threats, or by the exercise of his authority, or by solicitation, or the making of gifts or presents, seducing and having illicit connection with any female passenger. *Prosecution:* indictment. *Penalty:* $400 fine or 1 year's imprisonment.

Seed Grain, 1919—

Misrepresentation and Fraud.—Statute: The *Seed Grain Act,* 1919, ch. 32, sec. 6. *Offence:* Any person being guilty of misrepresentation or fraud in securing an advance under the *Seed Grain Act,* 1919, or who, having secured such advance fails through his own default to apply it to the purchase of seed grain, or who disposes of the seed grain purchased with any such advance or makes use of any portion of the same other than for seeding purposes on the land in respect of which his application is made. *Prosecution:* On summary conviction. *Penalty:* $1,000 and in default of payment twelve months' imprisonment. *Special Provisions:* Consent of Attorney-General of Canada required before prosecution is entered.

Seeds—

1. *Violating Seed Control Act.—Statute: Seed Control Act,* 1911, ch. 23, sec. 12. *Offence:* Person by himself, or through the agency of another person, selling, offering, exposing or having

in possession for sale, seeds in violation of any of the provisions of the *Seed Control Act*, 1911. *Prosecution:* Summary conviction, Part XV., Criminal Code. *Penalty:* First offence, $1 and costs; subsequent offence, $5 and costs, for each receptacle, package, sack or bag, in or from which seeds are sold, exposed, or had in possession for sale, contrary to the Act. Imprisonment in default of payment, 1 month. Total amount of fine limited to $5 for first offence and $25 for subsequent offences.

2. *Preventing Examination of Seeds.—Seed Control Act*, 1911, ch. 23, sec. 13. *Offence:* Person obstructing anyone charged with the enforcement of the *Seed Control Act*, 1911, in entering premises to make examination of seeds, receptacles, packages, sacks or bags of seeds under the Act; or refusing to permit making of such examination or taking of samples of seeds under Act. *Prosecution:* Summary conviction, Part XV., Criminal Code applied. *Penalty:* Min., $25; max., $500 and costs. Imprisonment in default 6 months.

Sheriff—

1. *Misconduct by Sheriff's Bailiff in Execution of Writ or process.—See* POLICE 1.

2. *Neglecting to Suppress Riots.—See* RIOTS 3.

3. *Person Neglecting to Aid Sheriff Quelling Riot.—See* RIOT 4.

Shipping—

(*a*) MISCHIEF AND WILFUL DAMAGE.

1. *Interfering with Marine Signals or Buoys.—Statute:* Criminal Code, sec. 526 (1). *Offence:* Any person wilfully altering, removing or concealing or attempting to alter, remove or conceal any signal, buoy, or other sea mark used for the purpose of navigation. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Mooring Vessel to Navigation Buoys.—Statute:* Criminal Code, sec. 526 (2). *Offence:* Any person making fast any vessel or boat to any signal, buoy, or other sea mark used for the purpose of navigation. *Prosecution:* On summary conviction. *Penalty:* Not exceeding $10, and in default of payment to 1 month's imprisonment.

3. *Removing Natural Bar Necessary for a Harbour.—Statute:* Criminal Code, sec. 527. Offence: Any person wilfully and without the permission of the Minister of Marine and Fisher-

ies, removing any stone, wood, earth or other material forming a natural bar necessary to the existence of a public harbour, or forming a natural protection to such bar. *Prosecution:* On summary conviction. *Penalty:* $50.

(*b*) Unseaworthy Ships.

4. *Sending Unseaworthy Ships to Sea.* — Criminal Code, 1906, ch. 46, sec. 288. *Offence:* Any person sending, or attempting to send, or is a party to sending a ship registered in Canada, to sea, or on a voyage on any of the inland waters of Canada, or on a voyage from any port or place on the inland waters of Canada to any port or place on the inland waters of the United States, or on a voyage from any port or place on the inland waters of the United States, to any port or place on the inland waters of Canada, in such unseaworthy state, by reason of overloading, or underloading, or improper loading, or by reason of being insufficiently manned, or from any other cause, that the life of any person is likely to be endangered thereby—unless he proves that he used all reasonable means to insure her being sent to sea on such voyage in a seaworthy state, or that her going to sea on such voyage in such unseaworthy state, was, under the circumstances, reasonable and justifiable. *Prosecution:* On indictment. *Penalty:* 5 years. *Special Provisions:* Consent required.

5. *Taking Unseaworthy Ship to Sea.* Criminal Code, 1906, ch. 146, sec. 289. *Offence:* Any person, being the master of a ship registered in Canada, knowingly takes such ship to sea, or on a voyage on any of the inland waters of Canada or on a voyage from any port or place on the inland waters of the United States, or on a voyage from any port or place in the United States to any port or place on the inland waters of Canada, in such an unseaworthy state, by reason of overloading, or underloading, or improper loading, or by reason of being insufficiently manned, or from any other cause, that the life of any person is likely to be endangered thereby unless he proves that her going to sea or on such voyage in such unseaworthy state was, under the circumstances, reasonable and justifiable. *Prosecution:* On indictment. *Penalty:* 5 years.

(*c*) Registration and Classification of Ships.

6. *Refusal to Deliver up Certificate.*—The *Canada Shipping Act*, R. S. C. 1906, ch. 113, sec. 65. *Offence:* Refusing or neglecting to provide and deliver up certificate of registry of

a ship registered in Canada, when so required by Registrar or Collector of Customs. *Penalty:* $500.

7. *Failing to Notify Registrar of Change in Managing Owner.* The *Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 66. *Offence:* Failing to give Registrar of ships port of registry notice of change in managing owner or owners, or ship's husband where there is no managing owner. *Penalty:* $100.

8. *Violating Rules as to Names of Ships.*—The *Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 67. *Offence:* Violating any of the rules prescribed by Part I., of the *Canada Shipping Act,* as to names of ships registered in Canada, or omitting to do anything required by such rules. *Penalty:* $400.

9. *Failure to Attend or be Examined After Casualty.* — The *Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 68. *Offence:* Failing or neglecting to attend or submit to examination at the office of the principal officer of customs after a shipping casualty happening within the limits of Canada. *Penalty:* $200.

10. *Neglecting to Send Notice of Loss of Ship.*—The *Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 69. *Offence:* Neglecting to send, forthwith, notice of loss, or apprehended loss, of ship, to Minister of Marine and Fisheries. *Penalty:* $200.

11. *Neglecting to Paint Name of Port on Bow or Stern.*— The *Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 70. *Offence:* Neglecting, without reasonable cause, to apply for and take out license required for a ship or vessel under Part I. of the *Canada Shipping Act,* or neglecting to place name of port and license number painted on bow or stern of vessel. *Penalty:* $20.

12. *Attempting to Take out Register at Port other than that where Ship Recorded.*—The *Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 71. *Offence:* Person who being a party to an unsatisfied mortgage on any ship takes out or attempts to take out a register at any port other than that named on board in ship yard in which ship was built, &c., or recorded. *Penalty:* $2,000 and costs. Recoverable by person who first sues in any Court of competent jurisdiction.

(*d*) *Masters and Mates.*

13. *Acting as or Employing Master or Mate without Certificate.*—The *Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 117. *Offence:* Any person going to sea as master or mate on sea-going ship over 100 tons registered tonnage without being

certificated; or employing any such person. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $100.

14. *Attempting to Sail without Complying with Act.*—The *Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 118. *Offence:* Attempting to sail or take to sea any sea-going ship over 100 tons registered tonnage before the requirements of Part II. of the *Canada Shipping Act* have been complied with. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $100.

15. *Master Going to Sea without Mate whose Certificate he Produces to Customs.*—The *Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 119. *Offence:* Proceeding to sea without having the mate whose certificate is produced in obtaining clearance papers from Customs; or, knowingly allowing his certificate to be used in such manner. *Prosecution:* Summary conviction. *Penalty:* $100. Suspension of certificate, 12 months.

16. *Going on Voyage without Certificate.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 120. *Offence:* Master or mate going on any voyage without being entitled to or possessed of certificate for sea going or inland waters as required by Part II. of the *Canada Shipping Act. Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $100. (R. S. C. 1906, ch. 113, sec. 120; 1908, ch. 65, sec. 8).

17. *Master of Steam Tug Refusing to Produce Certificate to Customs.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 121. *Offence:* Refusing or neglecting to produce certificate as master when required by Customs officer. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $100.

18. *Steam Tug without Certificated Master.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 121 (2). *Offence:* Steam tug or other steamer plying on Canadian waters without having certificated master on board, and in charge. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $100 a day on which offence is committed.

19. *Failure to Deliver up Certificate on Suspension. Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 122. *Offence:* Failing to deliver up to Minister cancelled or suspended certificate. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $200.

20. *Forgery or Fraud with Respect to Certificates.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 123. *Offence:* Making

false representation for purpose of obtaining certificate, forging, fraudulently altering, using or lending certificate. *Prosecution:* Indictable under Criminal Code. *Penalty:* Under Criminal Code.

(*e*) SEAMEN.

21. *Unlawful Hiring of Seamen.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 248. *Offence:* Employing others than shipping masters to hire or engage seamen; or, not being a shipping master engages or hires seamen. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $40. *Special Provisions:* Distress. Imprisonment in default of distress, 6 months. Limitation of Action, 6 months. Penalty belongs to Dominion Government. No appeal. Certiorari for special cause only.

22. *Taking Rewards for Procuring Seamen.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 249. *Offence:* Exacting or receiving reward for procuring seamen contrary to Part III. of the *Canadian Shipping Act. Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $20; max., $80. *Special Provisions:* Distress. Imprisonment in default of distress, 6 months. Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari allowed for special cause only.

23. *Receiving more than Lawful Fees.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 250. *Offence:* Demanding or receiving remuneration for hiring or supplying seamen over and above fees allowed by *Canada Shipping Act. Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $40 and dismissal from office. *Special Provisions:* Distress. Imprisonment in default of distress, 6 months. Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari allowed for special cause only.

24. *Receiving Unlawfully Hired Seamen.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 251. *Offence:* Accepting to enter on board or remain on board any seaman hired in violation of Part III. *Canada Shipping Act. Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $40. *Special Pro-*

visions: Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari allowed for special cause only.

25. *Refusing Information.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 252. *Offence:* Omitting or refusing to give any answer or information concerning reserve men. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $20. Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari allowed for special cause only.

26. *Apprenticeship Indentures. — Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 253. *Offence:* Making default in transmitting indenture for apprenticeship to shipping master, or in recording indenture of apprenticeship, or in reporting cancellation or assignment thereof. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $40. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari allowed for special cause only.

27. *Apprentices.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 254. *Offence:* Failure to bring apprentice and his indenture before shipping master before carrying apprentice to sea. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $20. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari allowed for special cause only.

28. *Change of Crew.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 255. *Offence:* Failing to send to shipping master notice of change in crew. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $20. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari allowed for special cause only.

29. *Hiring Agreement.—Canadian Shipping Act,* R. S. C. 1906, ch. 113, sec. 256. *Offence:* Carrying seaman to sea without entering into agreement with as required by *Canada Shipping Act. Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate,

Judge. *Penalty:* $20. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

30. *Going to Sea without Complying with Act.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 257. *Offence:* Attempting to go from any port to sea without complying with Part III. of the *Canada Shipping Act. Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $200. Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

31. *Falsifying Ship's Articles.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 258. *Offence:* Fraudulently altering or procuring false entries in, or false copy of, any agreement under Part III. of the *Canada Shipping Act. Prosecution:* Indictable under Criminal Code.

32. *Falsifying Letter of Allotment of Wages.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 259. *Offence:* Making false statement in any credible letter intended for use in any proceeding on an allotment note for recovery of wages. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $100. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

33. *Discharging or Paying Seamen Except before Shipping Master.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 260. *Offence:* Discharging or paying seamen except before the shipping master. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $40. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

34. *Wage Account.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 261. *Offence:* Failing to deliver to seamen or to shipping master true account of wages. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $20. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

35. *Certificate of Discharge. Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 262. *Offence:* Failing to give discharged

seaman a certificate of his discharge. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $40. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

36. *Ship's Papers.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 263. *Offence:* Neglecting to produce ship's papers to shipping master or give evidence in wages case. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $20. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

37. *Effects of Dead Seaman.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 264. *Offence:* Failing to take charge of or remit or account for money and effects of seaman dying during voyage. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Treble value of ascertained goods. If goods not ascertainable then $200 fine. *Special Provisions:* Limitation of Action, 6 months. No appeal from conviction.

38. *Forcing Seamen on Shore.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 265. *Offence:* Wrongfully forcing on shore or leaving behind in any place on shore or at sea before completion of voyage, any seaman or apprentice. *Prosecution:* Indictable under Criminal Code.

39. *Discharging Seamen Outside Canada.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 266. *Offence:* Discharging seaman or apprentice in place outside Canada without authority of proper officer, or leaving seaman behind in British possession or elsewhere without certificate of discharge. *Prosecution:* Indictable under Criminal Code.

40. *Wages of Seaman Left Ashore as Unfit.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 268. *Offence:* Refusing to give account of wages due to any seaman or apprentice left on shore at any place as unfit or unable to proceed, or to pay such wages. *Penalty:* $40 in addition to wages. In case of false account penalty is $80 in addition to wages.

41. *Insufficient or Condemned Provisions: Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 269. *Offence:* Neglecting to

provide water and provisions in case of deficiency or to provide others in substitution, for those condemned. *Penalty:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $80. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

42. *Weights and Measures.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 270. *Offence:* Neglecting to keep on board proper weights and measures. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Justice. *Penalty:* $40. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

43. *Accommodation.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 271. *Offence:* Failing to comply with provisions of *Canada Shipping Act* respecting accommodation for seamen, and apprentices. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $80. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

44. *Seamen's Complaints.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 272. *Offence:* Master refusing to allow seaman to go ashore to make complaint to Justice, or Naval Officer. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $40. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

45. *Board and Lodging.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 273. *Offence:* Overcharging seamen for board or lodging. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $40. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

46. *Detaining Effects.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 274. *Offence:* Receiving or taking into possession effects of seaman after payment of board and lodging. *Prosecution:* Summary conviction before two Justices of the Peace,

Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $40 over and above value of effects. Limitation of Action, 6 months.

47. *Boarding Ship without Authority.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 275. *Offence:* Going on board ship without permission of or against masters' orders, before arrival of ship at dock. *Prosecution:* Superior Court Judge, Judge of Sessions of Peace, County Court Judge, Stipendiary or Police Magistrate. *Penalty:* Imprisonment, if unarmed: min., 6 months; max., 3 years; if armed: min., 2 years; max., 5 years. *Special Provisions:* Conviction. Certiorari for special cause only.

48. *Loitering Near Ship.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 277. *Offence:* Found loitering near any ship, and not giving satisfactory account of business there. *Penalty:* If unarmed, min., $50; max., $100, and imprisonment, min., 3 months; max., 12 months; if unarmed, imprisonment, min., 2 years; max., 3 years. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Special Provisions:* No appeal from conviction. Penalty payable to Dominion Government. Certiorari for special cause only.

49. *Soliciting by Lodging House Keepers.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 279. *Offence:* Soliciting seaman to become lodger at house, or taking effects away from ship without permission. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Imprisonment, min., 60 days; max., 90 days, with hard labour. *Special Provisions:* Limitation of Action, 6 months. No appeal from conviction. Certiorari for special cause only.

50. *Delivering up Ship's Papers to Successor.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 280. *Offence:* Failing to deliver up to successor in command the certificate of registry and navigation documents. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $400. *Special Provision:* Limitation of Action, 6 months. No appeal from conviction. Certiorari for special cause only.

51. *Not Keeping Log Book. Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 281. *Offence:* Failing to keep log book, and make entries therein as required by the *Canada Shipping Act.*

Prosecution: Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $20. Limitation of Action, 6 months. *Special Provisions:* Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

52. *Log Book Entries.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 282. *Offence:* Making entry in log book of occurrence happening previously to arrival of ship at port of discharge more than 24 hours after such arrival. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $100. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to for special cause only.

53. *Mutilating Log Book.—Canada Shipping Act,* R. S. C. 1996, ch. 113, sec. 283. *Offence:* Wilfully destroying or mutilating log book or making false entries or omissions. *Prosecution:* Indictable under Criminal Code.

54. *Lodging House Lists.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 284. *Offence:* Neglecting to furnish Justice with list of lodgers or persons harboured in tavern, house of entertainment, or house of ill-fame and names of seamen and their ships. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $40. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only .

55. *Obstructing Peace Officers.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 285. *Offence:* Obstructing any police officer or constable, after demand, who is assisting master in apprehending seamen. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $10; max., $50. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

(*f*) Discipline.

56. *Misconduct Endangering Life or Ship.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 286. *Offence:* Wilful breach or neglect of duty, drunkenness, or other act tending to immediate loss, destruction or serious damage to ship, or endangering life or limb of person. *Prosecution:* Indictable under Criminal Code.

57. *Desertion.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 287 (*a*). *Offence:* Seamen or apprentice guilty of desertion. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Imprisonment: Min., 8 weeks; max., 12 weeks. Forfeiture of wages. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

58. *Absent without Leave.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 287 (*b*). *Offence:* Neglecting or refusing to join ship or proceed to sea or being absent without leave within 24 hours of sailing, or absent without leave from duty, not amounting to desertion. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Imprisonment: min., 4 weeks; max., 10 weeks. Forfeiture 2 days' pay, and in addition for every 24 hours of absence, sum not exceeding 6 days' pay and expenses. *Special Provisions:* Limitation of Action, 6 months. No appeal from conviction. Certiorari for special cause only .

59. *Quitting Ship.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 287 (*c*). *Offence:* Quitting ship without leave after arrival in port but before being placed in security. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Sum not exceeding one month's pay. *Special Provisions:* Limitation of Action, 6 months. No appeal from conviction. Certiorari for special cause only.

60. *Wilful Disobedience.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 287 (*d*). *Offence:* Wilfully disobeying any lawful demand. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Imprisonment: min., 2 weeks; max., 4 weeks. Forfeiture of 2 days' pay. *Special Provisions:* Limitation of Action, 6 months. No appeal from conviction. Certiorari for special cause only.

61. *Continued Disobedience.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 287 (*e*) *Offence:* Continued wilful disobedience to lawful commands or continued wilful neglect of duty. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Imprisonment: min., 4 weeks; max., 12 weeks, and forfeiture of six days' pay for every 24 hours continued neglect.

Special Provisions: Limitation of Action, 6 months. No appeal from conviction. Certiorari for special cause only.

62. *Assault on Officer.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 287 (*f*). *Offence:* Assaulting any master or mate. *Prosecution,* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Imprisonment: min., 6 weeks; max., 12 weeks hard labour. *Special Provisions:* Limitation of Action, 6 months. No appeal from conviction. Certiorari for special cause only.

63. *Combining to Disobey.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 287 (*g*). *Offence:* Combining with others of crew to disobey lawful commands, or to neglect duty or to impede navigation of ship or progress of voyage. *Penalty:* Imprisonment, with hard labour: min., 6 weeks; max., 12 weeks. *Special Provisions:* Limitation of Action, 6 months. No appeal from conviction. Certiorari for special cause only.

64. *Wilful Damage or Embezzlement. — Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 287 (*h*). *Offence:* Wilfully damaging ship or embezzling stores or cargo. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Forfeiture out of wages of sum equal to value of loss sustained. Additional discretional imprisonment: min., 6 weeks; max., 12 weeks with hard labour. *Special Provisions:* Limitation of Action, 6 months. No appeal from conviction. Certiorari for special cause only.

65. *Smuggling Causing Loss to Owner.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 287 (*i*). *Offence:* Being convicted of smuggling and thereby causing loss to master or owner. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Reimbursement of loss or damage.

66. *False Statements by Seamen on Engagement.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 298. *Offence:* Wilfully and fraudulently making false statement of his own name, or of his last ship on or before being engaged in Canada. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $20, deductable from wages earned. *Special Provisions:* Limitation of Action, 6 months. No appeal from conviction. Certiorari for special cause only.

67. *Enticing to Desert.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 301. *Offence:* Enticing any seaman or ap-

prentice to neglect or refuse to join or to proceed to sea, or to desert from ship, or to absent himself from duty. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* First offence, imprisonment: min., 3 months; max., 6 months with hard labour. Subsequent offence, imprisonment: min., 6 months; max., 12 months with hard labour. *Special Provisions:* Limitation of Action, 6 months. No appeal from conviction.

68. *Harbouring Deserters.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 302. *Offence:* Wilfully harbouring or secreting any deserter. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* First offence, imprisonment with hard labour: min., 3 months; max., 6 months. Subsequent offence, imprisonment: min., 6 months; max., 12 months. *Special Provisions:* Limitation of Action, 6 months. No appeal from conviction.

69. *Stowaway.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 303. *Offence:* Obtaining passage surreptitiously as a stowaway. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $80 or imprisonment, not exceeding 4 weeks with or without hard labour. *Special Provisions:* Limitation of Action, 6 months. Penalty payable to Dominion Government. No appeal from conviction. Certiorari for special cause only.

(*g*) Inland Waters.

70. *Carrying Seamen without Agreement.—Canada Shipping Act,* R. S. C. 1906, Part IV., sec. 353. *Offence:* Carrying seaman as one of crew without entering into agreement required by the *Canada Shipping Act* in such cases. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $20. Distress. Imprisonment in default, 6 months. *Special Provisions:* Penalty payable to Dominion Government. No appeal from conviction. No certiorari. Limitation of Action, 6 months.

71. *Fraudulently Altering Agreement with Seaman.—Canada Shipping Act,* R. S. C. 1906, Part IV., sec. 354. *Offence:* Fraudulently altering or procuring false entries in agreement with seaman required under the *Canada Shipping Act. Prosecution:* Indictable under Criminal Code.

72. *Inspection of Agreement with Seaman.—Canada Shipping Act,* R. S. C. 1906, Part IV., sec. 355. *Offence:* Refusing

to submit agreement with seaman to be inspected by government officials, river police or customs officer on request. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $20. Distress. Imprisonment in default, 6 months. *Special Provisions:* Penalty payable to Dominion Government. No appeal from conviction. No certiorari. Limitation of Action, 6 months.

73. *Not Delivering Ship Documents to Successor.—Canada Shipping Act,* R. S. C. 1906, Part IV., sec. 356. *Offence:* Neglecting or omitting to deliver to successor various documents relating to navigation or ship's crew. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $400. *Special Provisions:* Distress. Imprisonment in default, 6 months. Penalty payable to Dominion Government. No appeal from conviction. No certiorari. Limitation of Action, 6 months.

74. *Obstructing Officer Making Search.—Canada Shipping Act,* R. S. C. 1906, Part IV., sec. 357. *Offence:* Failing to admit officer making search for seaman in house of ill-fame, liquor shop, boarding-house, etc., or offering any obstruction. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $10; max., $50. *Special Provisions:* Imprisonment in default, 6 months. Penalty payable to Dominion Government. No appeal from conviction. No certiorari. Limitation of Action, 6 months.

75. *Misconduct Endangering Life or Ship.—Canada Shipping Act,* R. S. C. 1906, Part IV., sec. 358. *Offence:* Wilful breach of duty, neglect or drunkenness, tending to endanger ship, or life or limb of any person aboard ship. *Prosecution:* Indictable under Criminal Code.

76. *Desertion.—Canada Shipping Act,* R. S. C. 1906, Part IV., sec. 359 (*a*). *Offence:* Deserting ship. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Imprisonment: min., 4 weeks; max., 12 weeks with hard labour. Forfeiture of wages and clothes. *Special Provisions:* No appeal from conviction. No certiorari. Limitation of Action, 6 months.

77. *Neglecting to Join Ship or Proceed on Voyage.—Canada Shipping Act,* R. S. C. 1906, Part IV., sec. 359 (*b*). *Offence:* Neglecting or refusing without reasonable cause to join ship or proceed on voyage or absenting himself without leave within 24

hours prior to leaving port. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Imprisonment: min., 4 weeks; max., 10 weeks with or without hard labour. Additional punishment. Forfeiture 2 days' pay and a sum not exceeding 6 days' pay for every 24 hours absence. *Special Provisions:* No appeal from conviction. No certiorari. Limitation of Action, 6 months.

78. *Quitting Ship.—Canada Shipping Act,* R. S. C. 1906, Part IV., sec. 359(*c*). *Offence:* Quitting ship without leave, after arrival at port before vessel is placed in security. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Forfeiture one month's pay. *Special Provisions:* No appeal from conviction. No certiorari. Limitation of Action, 6 months.

79. *Wilful Disobedience. — Canada Shipping Act* (1906, Part IV., sec. 359 (*d*). *Offence:* Wilfully disobeying lawful command. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Imprisonment, min., 2 weeks; max., 4 weeks. Forfeiture 2 days' pay. *Special Provisions:* No appeal from conviction. No certiorari. Limitation of Action, 6 months.

80. *Continued Disobedience.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 359 (*e*). *Offence:* Continued disobedience to lawful commands or continued neglect of duty. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Imprisonment, min, 4 weeks; max., 12 weeks, with or without hard labour. Forfeiture amount not exceeding 6 days' pay for every 24 hours' continued disobedience. *Special Provisions:* No appeal. No certiorari. Limitation of Action, 6 months.

81. *Assault on Officer. Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 359 (*f*). *Offence:* Assaulting any master or mate. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Imprisonment, min., 6 weeks; max. 12 weeks, with hard labour. *Special Provisions:* No appeal from conviction. No certiorari. Limitation of Action, 6 months.

82. *Combining to Disobey.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 359(*g*). *Offence:* Combining with any of crew to disobey lawful commands, or neglect duty, or impede navigation. *Penalty:* Imprisonment, min., 6 weeks;

max., 12 weeks, with hard labour. *Special Provisions:* No appeal from conviction. No certiorari. Limitation of Action, 6 months.

83. *Wilful Damage or Embezzlement. — Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 359 (*h*). *Offence:* Wilfully damaging ship, or embezzling stores. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Forfeiture of sum equal to loss. Additional imprisonment in discretion of Court, min., 6 weeks; max., 12 weeks, with hard labour. *Special Provisions:* No appeal from conviction. No certiorari. Limitation of Action, 6 months.

84. *Loss by Smuggling.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 359 (*i*). *Offence:* Being convicted of acts of smuggling thereby occasioning loss to owner. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Reimbursement of loss. *Special Provisions:* No appeal from conviction. No certiorari. Limitation of Action, 6 months.

85. *False Statements by Seaman.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 368. *Offence:* Making false statement as to his name or as to name of ship on being engaged as seaman. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* $20 deductable from wages. *Special Provisions:* No appeal from conviction. No certiorari. Limitation of Action, 6 months.

86. *Enticing to Desert.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 369. *Offence:* Persuading or attempting to persuade seaman to leave ship or absent himself without leave. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* First offence, imprisonment, min., one month; max., 6 months with hard labour. Subsequent offences, imprisonment, min., 2 months; max., 12 months, with hard labour. *Special Provisions:* No appeal from conviction. No certiorari. Limitation of Action, 6 months.

87. *Harbouring Deserters.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 370. *Offence:* Wilfully harbouring or secreting deserter who is a seaman. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Imprisonment, 1st offence, min., 1 month; max., 6 months. Subsequent offences,

min., 2 months; max., 12 months. *Special Provisions:* No appeal from conviction. No certiorari. Limitation of Action, 6 months.

(*h*) PILOTS.

88. *Production of Tariff and By-laws for District.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 532. *Offence:* Failing to produce copies of tariff and by-laws for district when required by employer. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or civil action. *Penalty:* $20. *Special Provision:* Penalty payable into Pilotage Fund. Limitation of Action, 6 years.

89. *Production of License.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 533. *Offence:* Neglecting to produce license at time of employment, whether requested or not. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil action. *Special Provision:* Penalty payable into Pilotage Fund. Limitation of Action, 6 years.

90. *Not Delivering up Suspended License.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 534. *Offence:* Failing without reasonable cause to deliver up suspended or cancelled license. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil action. *Penalty:* $40. *Special Provision:* Court order for delivery up. Penalty payable into Pilotage Fund.

91. *Unlicensed Pilots.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 535. *Offence:* Piloting a ship in any pilotage district for which such person is not a licensed pilot. Exception—(1) Where no licensed pilot has offered to pilot ship; (2) when ship is in distress. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or civil action. *Penalty:* $40. *Special Provision:* Penalty payable to Dominion Government. Limitation of Action, 6 years.

92. *Unlicensed Pilot Continuing in Charge.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 536. *Offence:* Continuing in charge of a ship in any district after a licensed pilot has offered to take charge. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil action. *Penalty:* $100. Imprisonment in

default, one month. *Special Provisions:* Penalty payable to Dominion Government. Limitation of Action, 6 years.

93. *False Declaration of Draught of Ship.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 537. *Offence:* Making false declaration of draught of ship to pilot. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil action. *Penalty:* Double amount of pilotage dues. *Special Provisions:* Limitation of Action, 6 years.

94. *Misuse of Pilotage Flag. Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 538. *Offence:* Hoisting white flag without authority or neglecting to hoist same when required to do so. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil action. *Penalty:* $20 and pilotage dues. *Special Provisions:* Penalty recoverable by and payable to pilotage authority. Limitation of Action, 6 years.

95. *Misuse of Pilotage Signals.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 539. *Offence:* Using for other purposes, signals used for summoning pilot or using other signals than those prescribed. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil action. *Penalty:* $100. *Special Provisions:* Limitation of Action, 6 years.

96. *Pilotage Certificate.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 540. *Offence:* Neglecting to deliver up pilotage certificate when withdrawn. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or civil action. *Penalty:* $40. *Special Provisions:* Order for delivery up. Limitation of Action, 6 years.

97. *Decked Pilot Boat without Characteristics. — Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 541. *Offence:* Neglect by master of decked pilot boat to keep pilot flag or pilot light easily discernible. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil action. *Penalty:* $80. *Special Provisions:* Limitation of Action, 6 years.

98. *Open Pilot Boat without Characteristics.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 542. *Offence:* Neglect by master of open pilot boat to keep pilot flag easily discernible. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil

action. *Penalty:* $40. *Special Provisions:* Limitation of Action, 6 years.

99. *Licensed Pilot not Displaying Light or Flag.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 543. *Offence:* Going off in boat or ship not in pilotage service, and failing to exhibit flag by day and light by night. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil action. *Penalty:* $200. *Special Provisions:* Limitation of Action, 6 years.

100. *Not Displaying Flag on Pilated Ship.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 544. *Offence:* Failing to display pilot flag under ensign on ship being piloted. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or civil action. *Penalty:* $80. *Special Provisions:* Limitation of Action, 6 years.

101. *Displaying Flag without having Pilot.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 545. *Offence:* Displaying pilot flag or light on ship when not having licensed pilot aboard. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil action. *Penalty:* $200. *Special Provisions:* Limitation of Action, 6 years. Penalty payable to Dominion Government.

102. *Pilot Giving False Account of His Earnings.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 546. *Offence:* Giving a false account of earnings or make default in payment due as contribution levied by pilotage authority. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or civil action. *Penalty:* Forfeiture of double amount payable and suspension or dismissal. *Special Provision:* Limitation of Action, 6 years. Penalty payable to Local Pilotage authority.

103. *Quebec Pilots' Corporation Schooners.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 547. *Offence:* Refusing or neglecting to serve as master on schooner under control of Quebec Pilots' Corporation when selected by Board of Directors. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate Judge. *Penalty:* $100. *Special Provisions:* Penalty payable into Pilots' Fund. Limitation of Action, 6 years.

104. *Neglect of Duty by Quebec Pilots' Corporation Master. —Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 548. *Offence:* Neglecting or omitting duties when acting as pilot in charge of schooner employed in Quebec Pilotage District. *Prosecution:* Tried before Quebec Harbour Commissioners. *Penalty:* $40 and costs, recoverable in same manner as other penalties and payable to Pilots' Fund. *Special Provisions:* Limitation of Action, 6 years.

105. *Falsifying Marks on Ship.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 549. *Offence:* Making fraudulent alteration in marks on stern or stem post of ship denoting draught of water. *Prosecution:* Indictable under Criminal Code. *Special Provisions:* Limitation of Action, 6 years.

106. *Revenue Frauds by Pilot.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 550 (*a*). *Offence:* Committing any fraud or offence in respect of Customs or Inland Revenue. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, civil action. *Penalty:* $200 and damages. Suspension or dismissal. *Special Provision:* Penalty payable into Local Pilotage Fund. Limitation of Action, 6 years.

107. *Corrupt Practices by Pilots.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 550 (*b*). *Offence:* Being concerned in any corrupt practice relating to ships, cargo, crew, passengers, or to their goods or money. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil action. *Penalty:* $200 and damages. Suspension or dismissal. *Special Provision:* Penalty payable to Local Pilotage Fund. Limitation of Action, 6 years.

108. *Pilot Lending License.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 550 (*c*). *Offence:* Lending license as a pilot. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil action. *Penalty:* $200 and damages. Suspension or dismissal. *Special Provisions:* Penalty payable to Local Pilotage Fund. Limitation of Action, 6 years.

109. *Pilot Acting when Suspended. — Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 550 (*d*). *Offence:* Acting as pilot when suspended. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil action. *Penalty:* $200 and damages. *Special Provisions:* Penalty payable to Local Pilotage Fund. Limitation of Action, 6 years.

110. *Intoxication of Pilot.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 550 (*e*). *Offence:* Acting as pilot when in a state of intoxication. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or civil action. *Penalty:* $200, suspension or dismissal. Penalty payable to Local Pilotage authority. *Special Provisions:* Limitation of Action, 6 years.

111. *Unnecessary Expenditure by Pilot.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 550 (*f*). *Offence:* Employing steamboat or other matter or thing beyond what is necessary, with intent to enhance pilotage expenses. *Prosecution:* Summary conviction before two Justices of the Peace, Stipendiary Magistrate or civil action. *Penalty:* $200, suspension or dismissal. Penalty payable to Local Pilotage authority. *Special Provisions:* Limitation of Action, 6 years.

112. *Neglect of Duty by Pilot.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 550 (*g*). *Penalty:* Refusing or delaying to take charge of ship, upon signal or when required by person in authority. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or civil action. *Penalty:* $200, suspension or dismissal. Penalty payable to Local Pilotage authority. *Special Provisions:* Limitation of Action, 6 years.

113. *Pilot Bargaining for Salvage.—Canada Shipping Act,* R. S. C. 1906, ch. 113 Part IV., sec. 550 (*h*). *Offence:* Making any special bargaining for salvage when signalled as a pilot. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or civil action. *Penalty:* $200, suspension or dismissal. Penalty payable to Local Pilotage authority. *Special Provisions:* Limitation of Action, 6 years.

114. *Pilot Cutting Cables.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 550 (*i*). *Offence:* Unnecessarily cutting or slipping cable of ship. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or civil action. *Penalty:* $200, suspension or dismissal. *Special Provisions:* Penalty payable to Local Pilotage authority. Limitation of Action, 6 years.

115. *Refusing to Conduct Ship into Port.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 550 (*j*). *Offence:* Refusing to conduct ship into port when required to do so by master. Exception—Danger to ship. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate,

Stipendiary Magistrate, or civil action. *Penalty:* $200, dismissal or suspension. *Special Provisions:* Penalty payable into Local Pilotage Fund. Limitation of Action, 6 years.

116. *Pilot Quitting Ship Prematurely.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 550 (*k*). *Offence:* Quitting ship before his services as a pilot have been performed. *Prosecution:* Summary conviction before 2 Justices of the Peace, Police Magistrate, Stipendiary Magistrate or civil action. *Penalty:* $200, dismissal from office or suspension. *Special Provisions:* Penalty payable to Local Pilotage Fund. Limitation of Action, 6 years.

117. *Aiding and Abetting Offences by Pilots.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 551. *Offence:* Aiding and abetting offences mentioned in section 550 of the *Canada Shipping Act. Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or civil action. *Penalty:* $200. Limitation of Action, 6 years.

118. *Pilot Endangering Ship or Person.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 552. *Offence:* Committing or omitting acts likely to cause damage to ship or injury to persons on board. *Prosecution:* Indictable under Criminal Code. *Penalty:* Imprisonment, 12 months with or without hard labour. If a pilot, in addition, suspension or dismissal. *Special Provision:* Limitation of Action, 6 years.

119. *Using License Unlawfully.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 555. *Offence:* Endangering ship by using a license to which the person is not entitled or misrepresenting circumstances upon which safety of ship depends. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or civil action. *Penalty:* $200, and if a pilot suspension or dismissal. *Special Provisions:* Limitation of Action, 6 years.

120. *Collecting Excessive Fees.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 556. *Offence:* Demanding or receiving excessive pilotage dues. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or civil action. *Penalty:* $40. *Special Provisions:* Limitation of Action, 6 years.

(*i*) Steamboat Inspection.

121. *Neglecting to have Inspection Made.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part. IV., sec. 656. *Offence:*

Neglecting to have boiler, machinery and hull inspected once each year. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or Judge. *Penalty:* Min., $100; max., $500 and costs. Imprisonment, in default, 3 months. *Special Provisions:* Prosecution by inspector or authorized person. Penalty payable to Dominion Government (Minister of Finance). Limitation of Action, 12 months.

122. *Omitting to Report Injuries to Hull or Boiler.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 657. *Offence:* Omitting to report injuries to ship. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or Judge. *Penalty against owner:* Min., $50; max., $500 and costs. Master deemed guilty of misconduct and engineer deemed guilty of negligence. Prosecution by inspector or authorized person. *Special Provisions:* Penalty payable to Dominion Government (Minister of Finance). Limitation of Action, 12 months. (1908, ch. 65, sec. 21).

123. *Refusing to Answer Inspectors' Questions—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 658. *Offence:* Refusing to answer or falsely answering questions put by inspector. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, or Judge. *Penalty:* $50. Imprisonment in default, 3 months. *Special Provisions:* Prosecution by inspector or authorized person. Penalty payable to Dominion Government (Minister of Finance). Limitation of Action, 12 months.

124. *Voyage without Certificate.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 659. *Offence:* Making trip or voyage without certificate of inspection or beyond limit of certificate. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $50; max., $500. *Special Provisions:* Seizure and sale of ship in default. Prosecution by Inspector or authorized person. Penalty payable to Dominion Government (Minister of Finance). Limitation of Action, 12 months.

125. *Defective Steamboat Equipment.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 660. *Offence:* Permitting defective equipment on steamboat. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $50; max., $100. Imprisonment in default, 3 months. *Special Provisions:* Prosecution by inspector or authorized person.

Penalty payable to Dominion Government (Minister of Finance). Limitation of Action, 12 months.

126. *Neglecting to Open Safety Valve when Engine Stopped.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 661. *Offence:* Neglecting to open safety valve of steamboat when engine stopped for over five minutes. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $50; max., $100. Imprisonment in default, 3 months. *Special Provision:* Prosecution by inspector or authorized person. Penalty payable to Dominion Government (Minister of Finance). Limitation of Action, 12 months.

127. *Overpressure of Steam.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part I., secs. 662-3. *Offence:* Allowing pressure of steam to exceed pressure limited by certificate, or tampering with steam gauge. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $50; max., $100. Imprisonment in default, 3 months. *Special Provisions:* Prosecution by inspector or authorized person. Penalty payable to Dominion Government (Minister of Finance). Limitation of Action, 12 months.

128. *Precautions Against Fire.—Canada Shipping Act,* R. S. C., 1906, ch. 113, Part IV., sec. 664. *Offence:* Failing to comply with *Canada Shipping Act* respecting precautions to guard against fire. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $50; max., $100. Imprisonment in default, 3 months. *Special Provisions:* Prosecution by inspector or authorized person. Limitation of Action, 12 months. Penalty payable to Dominion Government (Minister of Finance).

129. *Posting Engineers' Certificate.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 665. *Offence:* Neglecting to keep posted up near engine room the engineers' certificate of competency. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $20. Imprisonment in default, 3 months. *Special Provisions:* Prosecution by inspector or authorized person. Limitation of Action, 12 months. Penalty payable to Dominion Government (Minister of Finance).

130. *Engaging Unqualified Engineers.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 666. *Offence:* Person employing another as an engineer or person serving as an

engineer on passenger boat of whatever tonnage, or on freight boat over 150 tons gross, or on any steamboat having an engine of over ten (10) nominal horse power (single cylinder type) or over 20, nominal horse power (compound type) unless certificated for grade employed. *Exception* — Except where a steamboat leaving port with a complement of engineers is thereafter deprived of the service or services of any such engineers without consent, fault, or collusion of master, owner or any one interested. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $50 and costs; max., $100 and costs. *Special Provisions:* Prosecution by inspector or authorized person. Limitation of Action, 12 months. Penalty payable to Dominion Government (Minister of Finance). (1908, ch. 65, sec. 22).

131. *Transferring Engineers' Certificate.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 667. *Offence:* Engineer transferring his certificate to another person. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $50; max., $500. Imprisonment in default, 2 months. *Special Provisions:* Prosecution by inspector or authorized person. Limitation of Action, 12 months. Penalty payable to Dominion Government (Minister of Finance).,

132. *Removing Seized Vessel.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 668. *Offence:* Removing vessel seized or detained by customs or other authorized person for running in violation of the *Canadian Shipping Act. Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $50; max., $500, or, imprisonment for term not exceeding 6 months. *Special Provisions:* Prosecution by inspector or authorized person. Limitation of Action, 12 months. Penalty payable to Dominion Government (Minister of Finance).

133. *Obstructing Officers.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 669. *Offence:* Obstructing inspector, or chief officer of customs, or authorized person while in performance of duty under the *Canada Shipping Act* (Part VII.). *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $50; max., $500 or imprisonment not exceeding 3 months, or, both fine and imprisonment. *Special Provisions:* Prosecution by inspector or authorized person. Limitation of Action, 12 months. Penalty payable to Dominion Government (Minister of Finance).

134. *Running Steamboats against Order of Minister.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 670. *Offence:* Using or running steamboat in violation of order of Minister. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $50; max., $500. Seizure of steamboat. *Special Provisions:* Prosecution by inspector or authorized person. Limitation of Action, 12 months. Penalty payable to Dominion Government (Minister of Finance).

135. *Carrying more Passengers than Law Allows.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 671. *Offence:* Carrying more passengers than certificate calls for. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $100; max., $500. Prosecution by inspector or authorized person. Limitation of Action, 12 months. *Special Provisions:* Penalty payable to Dominion Government (Minister of Finance).

136. *Towing Uninspected Barge.—Canada Shipping Act,* 1906, ch. 113, Part IV., sec. 672. *Offence:* Towing barge with passengers without certificate, or which carries too many passengers. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $50; max., $100. Seizure of vessel in default of payment of fine. *Special Provisions:* Prosecution by inspector or authorized person. Limitation of Action, 12 months. Penalty payable to Dominion Government (Minister of Finance).

137. *Towing Barge which has been Seized.—Canada Shipping Act,* R.S.C. 1906, ch. 113, Part IV., sec. 673. *Offence:* Towing or taking on a voyage a barge which has been seized for violating *Canada Shipping Act. Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $100 and imprisonment not exceeding 6 months. *Special Provisions:* Prosecution by inspector or authorized person. Limitation of Action, 12 months. Penalty payable to Dominion Government (Minister of Finance).

138. *Protection of Passengers.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 674. *Offence:* Omitting to provide gang boards, lights at wharf or landing place to ensure safety of passengers. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $20; max., $50 in addition

to damages sustained. *Special Provisions:* Prosecution by inspector or other authorized person. Limitation of Action, 12 months. Penalty payable to Dominion Government (Minister of Finance).

139. *False Statement by Inspector in Certificate.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 675. *Offence:* Making false statement in certificate issued under Part VII. of the *Canada Shipping Act. Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $200. *Special Provisions:* Limitation of Action, 12 months. Penalty payable to Dominion Government (Minister of Finance).

140. *Offence not Otherwise Provided for.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IV., sec. 677. *Offence:* Violation of any of the provisions of Part VII. of the *Canada Shipping Act* or of any Order in Council where no other penalty is specially provided. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* Min., $50; max., $100. *Special Provisions:* Prosecution by inspector or authorized person. Limitation of Action, 12 months. Penalty payable to Dominion Government (Minister of Finance).

(*j*) Hull and Equipment Inspection.

141. *Sailing Detained Ship.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part VIII., sec. 697. *Offence:* Sending on voyage any ship detained as unseaworthy. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $200. *Special Provisions:* Limitation of Action, 12 months. Penalty payable to Dominion Government.

142. *Omitting to Report Damage.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part VIII., sec. 699. *Offence:* Omitting to report to an inspector or collector of customs occurrence of event causing damage to hull or equipment. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $100. *Special Provisions:* Limitation of Action, 12 months. Penalty payable to Dominion Government.

143. *Refusing to Answer Questions of Inspector.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part VIII., sec. 700. *Offence:* Refusing to answer or falsely answering questions of

inspector when making examination of ship. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $200. *Special Provisions:* Limitation of Action, 12 months. Penalty payable to Dominion Government.

144. *Using Prohibited Machinery.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part VIII., sec. 701. *Offence:* Using tackle, machinery or apparatus, in violation of order of Minister. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge. *Penalty:* $100 and forfeiture of apparatus. *Special Provisions:* Limitation of Action, 12 months. Penalty payable to Dominion Government.

(*k*) Safety Regulations.

145. *Obstructing Surveyor.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 718. *Offence:* Hindering or obstructing surveyor in execution of his duty. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* $20. *Special Provisions:* Penalty payable to Dominion Government (Minister of Finance).

146. *Disorderly Conduct.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 719. *Offence:* Drunk and persisting in boarding steamer, drunk and refusing to leave steamer, molesting passenger, boarding steamer with full passenger list or refusing to pay fare. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* $10. *Special Provisions:* Penalty payable to Dominion Government (Minister of Finance).

147. *Obstructing Crew or Injuring Machinery.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 720. *Offence:* Obstructing crew or injuring machinery on steamer. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* $100. *Special Provisions:* Penalty payable to Dominion Government (Minister of Finance).

148. *Dangerous Goods, Unmarked.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 722. *Offence:* Sending dangerous goods in ship without distinctly marking same on outside. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate or Court of competent jurisdiction. *Penalty:* $500; in case of an agent

only $40. *Special Provisions:* Penalty payable to Dominion Government.

149. *Sending Dangerous Goods Under False Description.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 722 (2). *Offence:* Carrying in ship dangerous goods under false description. Court of competent jurisdiction. $2,000. Penalty payable to Dominion Government (Minister of Finance). (R. S. C. 1906, ch. 113, sec 722 (2); 1908, ch. 65, sec. 24).

150. *Dangerous Goods on Passenger Vessel.—Canada Shipping Act,* R. S. C .1906, ch. 113, Part IX., sec. 723. *Offence:* Sending or carrying on passenger ship dangerous explosive. *Prosecution:* Indictable. *Penalty:* $200 or imprisonment not exceeding 3 months or both. Exceptions—Substance for ship signals. Substance carried under permit. *Special Provisions:* Consent of Minister necessary before prosecution. Penalty payable to Dominion Government (Finance Minister).

151. *Violating Deck-load Provisions.— Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 724. *Offence:* Violating any provision of Part IX. *Canada Shipping Act* respecting deck loads and not otherwise provided for by greater penalty. *Prosecution:* Court of competent jurisdiction. *Penalty:* $800. *Special Provisions:* Penalty payable to Dominion Government Seizure and sale of ship for penalties.

152. *Not Using Shifting Boards.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 726. *Offence:* Omitting to use shifting boards or other proper precautions to prevent grain cargo shifting. *Penalty:* $1,000, recoverable in court of competent jurisdiction; owner liable as well as master. *Special Provisions:* Penalty payable to Dominion Government (Minister of Finance).

153. *Obstructing Officers making Examination of Grain Cargo.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 727. *Offence:* Refusing or preventing examination of grain cargo by customs officers at port of discharge. *Penalty:* $200, recoverable in court of competent jurisdiction. *Special Provisions:* Penalty payable to Dominion Government.

(*l*) Wrecks.

154. *Disobeying Receiver's Instructions at a Wreck.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 810. *Offence:* Disobeying directions of a receiver issued to him while receiver is in command at place where ship is wrecked. *Prose-*

cution: Summary conviction before two Justices of the Peace or Magistrate having powers of two Justices of the Peace. *Penalty:* $200.

155. *Obstructing Receiver in Execution of Duty.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 811. *Offence:* Obstructing receiver in execution of his duty or making default in appearing or giving evidence before him. Penalty: Same as for obstructing principal custom's officer.

156. *Preservation of Wreck.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 812. *Offence:* Refusing to comply with requirements of receiver with a view to preservation of wreck or wrecked persons. *Prosecution:* Summary conviction before two Justices of the Peace, or Magistrate having powers of two Justices of the Peace. *Penalty:* $20 a day during refusal.

157. *Obstructing Recovery of Wreck. — Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 813. *Offence:* Owner or occupier obstructing person carrying wreck over on to land near place of wreck. *Prosecution:* Two Justices of the Peace, or Magistrate having jurisdiction of two Justices of the Peace. *Penalty:* $400.

158. *Failing to Deliver Wreck to Receiver.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 814. *Offence:* Failing to deliver wreck to receiver. Forfeiture of claim for salvage. *Prosecution and Penalty:* Penalty double value of wreck, and a sum of $400 recoverable before two Justices of the Peace or Magistrate having jurisdiction of two Justices of the Peace.

159. *Junk Dealers.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 815. *Offence:* Failing to have name painted up; failing to keep books; failing to produce books. *Prosecution:* Summary conviction before two Justices of the Peace, or Magistrate having jurisdiction of two Justices of the Peace. *Penalty:* 1st offence, $40; subsequent offence, $200.

160. *Failing to Appear to Answer for Possession of Wreck. —Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 816. *Offence:* Failing to appear before two Justices in answer to summons requiring him to prove that he was lawfully entitled to possession of wreck. *Prosecution:* Summary conviction before two Justices of the Peace or Magistrate having jurisdiction of two Justices of the Peace. *Penalty:* 1st offence $80; subsequent offence, $200, or imprisonment, 3 months with hard labour. *Special Provision:* Power to commit for trial on indictment instead of adjudicating on case.

161. *Refusal to Attend as Witness.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 817. *Offence:* Refusing to attend as a witness before person holding preliminary enquiry into shipping casualty, and to answer questions, or produce documents. *Prosecution:* Summary conviction before two Justices of the Peace, or Magistrate having powers of two Justices of the Peace. *Penalty:* $40.

162. *Obstructing Wreck—Inquiry Officer.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 818. *Offence:* Obstructing officer or person in execution of duty making preliminary enquiry into a shipping casualty. *Prosecution:* Summary conviction before two Justices of the Peace, or Magistrate having powers of two Justices of the Peace. *Penalty:* $40. *Special Provisions:* Arrest of offender and detention without warrant.

163. *Refusing to Attend before Court of Inquiry.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 819. *Offence:* Refusing to attend as witness before Court appointed to hold formal investigation into shipping casualty, or to give answers or to produce documents. *Prosecution:* Summary conviction before two Justices of the Peace, or Magistrate having jurisdiction of two Justices of the Peace. *Penalty:* $40.

164. *Failing to Deliver up Certificate.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 820. *Offence:* Master, mate, pilot, or engineer, failing to deliver certificate to Court when so required, either during or after a formal investigation. *Prosecution:* Summary conviction before two Justices of the Peace, or Magistrate having powers of two Justices of the Peace. *Penalty:* $200.

165. *Impeding Shipwrecked Persons.—Statute:* Criminal Code, sec. 286(*a*). *Offence:* Any person preventing or impeding or endeavouring to prevent or impede any shipwrecked person in his endeavour to save his life. *Prosecution:* On indictment. *Penalty:* 7 years.

166. *Impeding Person Trying to Save Life of Shipwrecked Person.—Statute:* Criminal Code, sec. 286 (*b*). *Offence:* Any person without reasonable cause, preventing or impeding or endeavouring to prevent or impede any person in his endeavour to save the life of any shipwrecked person. *Prosecution:* On indictment. *Penalty:* 7 years.

(*m*) Lighthouses.

167. *Violating Lighthouse Regulations.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 840. *Offence:* Violating any

regulations respecting maintenance of buoys, lighthouses and residence on Sable Island. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, Judge of Sessions of Peace. *Penalties:* Fines not exceeding $200 as prescribed in the regulations. *Special Provisions:* Penalties payable to Dominion Government (Minister of Finance).

168. *Found on Sable Island without License.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 841. *Offence:* Going on to Sable Island or St. Paul's Island without license from Minister. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* Imprisonment, 6 months and security for good behaviour.

(*n*) Harbours.

169. *Regulations Respecting Harbours.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 855. *Offence:* Violating rules and regulations for government of public harbour in Canada. *Penalty:* Fine not exceeding $100 and costs. In case of continuing violations further penalty may be added not exceeding $10 for every 12 hours during which violation continues. *Special Provisions:* Payable to Dominion Government (Minister of Finance), if harbour master is informant. Moiety payable to informer where he is not a harbour master.

(*o*) Port Regulations.

170. *Failure to Notify Port Warden when Loading Grain.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 909 (*a*). *Offence:* Failure to notify port warden to survey and inspect vessel loading grain. *Penalty:* $800 recoverable in Court of competent jurisdiction. *Special Provisions:* Penalty payable to Dominion Government.

171. *Failure of Port Warden to Ascertain State of Vessel.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 909 (*b*). *Offence:* Failing to ascertain whether vessel is in a fit state to carry cargo to its destination, and to set out repairs necessary and grant necessary certificates. *Penalty:* $800, recoverable in Court of competent jurisdiction. *Special Provisions:* Penalty payable to Dominion Government.

172. *Failure to Fulfil Conditions Required by Port Warden before Sailing.—Canada Shipping Act,* R. S. C. 1906, ch. 113,

Part IX., sec. 909 (*c*). *Offence:* Failing to notify port warden or fulfil conditions under which ship laden with grain will be in a fit state to leave. *Penalty:* $800, recoverable in Court of competent jurisdiction. *Special Provisions:* Penalty payable to Dominion Government.

173. *Port Warden Failing to Examine Vessel.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 909 (*d*). *Offence:* Failing to examine state of vessel to see whether ship is seaworthy. *Penalty:* $800, recoverable in Court of competent jurisdiction. *Special Provisions:* Penalty payable to Dominion Government.

174. *Auctioning Condemned Vessel.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 910. *Offence:* Making sale of condemned vessel or goods without two days' public notice or without complying with regulations governing such sales. *Penalty:* $20. Recoverable in any Court of competent jurisdiction. *Special Provisions:* Penalty belongs to Dominion Government (Minister of Finance).

(*p*) Navigation.

175. *Violating Navigation Regulations.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 924. *Offence:* Wilfully omitting to obey regulations under Part XIV. *Canada Shipping Act* respecting navigation, lights, fog signals, etc. *Prosecution;* Summary conviction before two Justices of the Peace. *Penalty:* Min., $20; max., $200. Imprisonment in default, 3 months. *Special Provisions:* In case of offences within jurisdiction of Montreal or Quebec Harbour Commissioners, penalties are enforced in same manner as by-law offences. Prosecutions are instituted by Inspector of Steamboats or party aggrieved. Penalties are payable to Dominion Government (Minister of Finance), to form part of Steamboat Inspection Fund.

176. *Collisions.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part IX., sec. 925. *Offence:* Failing to render assistance or give information as required by Part XIV. of the *Canada Shipping Act* respecting navigation. *Prosecution:* Indictable. Also inquiry into conduct, suspension or cancellation of certificate.

(*q*) Deck and Load Lines.

177. *Deck Lines.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part XV., sec. 941 (coming into effect on proclamation).

Offence: Neglecting to have ship marked with deck lines; or, altering or obliterating (except for purposes of escaping enemy). *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, etc. *Penalty:* $500 and costs. In case of inaccurate marks owner is liable to same penalty. *Special Provisions:* Consent of Minister necessary before instituting prosecution. Limitation of action, 12 months. Penalties payable to General Revenue, Canada. This section (941) comes into operation on Part XV. being proclaimed.

178. *Load Lines.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part XV., sec. 942. *Offence:* Neglecting to have ship marked with load lines; or, altering or obliterating same, except for purpose of escaping enemy. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, etc. *Penalty:* $500 and costs. In case of inaccurate marks owner is responsible and liable to same penalty. *Special Provisions:* Consent of Minister necessary before instituting prosecution. Limitation of Action, 12 months. Penalties payable into general revenue of Canada. This section (942) comes into operation on Part XV. being proclaimed.

179. *Non-compliance with Part XV.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part XV., sec. 944. *Offence:* Failing without first complying with provisions of Part XV. of the *Canada Shipping Act. Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate, etc. *Penalty:* $500 and costs. Seizure and detention of vessel. *Special Provisions:* Consent of Minister necessary before prosecution. Limitation of Action, 12 months. Penalties payable into general revenue of Canada. Part XV. is brought into force on proclamation.

180. *Fraudulent Certificates.—Canada Shipping Act,* R. S. C. 1906, ch. 113, Part XV., sec. 945. *Offence:* Forgery or fraud in obtaining clearance of any ship. *Prosecution:* Indictable. *Penalty:* $500 or one year, or both. *Special Provisions:* Part XV. of the *Shipping Act* comes into force on proclamation.

(r) Coasting Trade.

181. *Using Foreign Ships.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 955. *Offence:* Carrying goods or passengers by water from one port in Canada to another, in a ship other than a British ship. Exception—Reciprocity vessels.

Penalty: $400. Recoverable under *Customs Act.* Seizure and detention of ship.

182. *Towing by Foreign Vessels.—Canada Shipping Act,* R. S. C. 1906, ch. 113, sec. 956. *Offence:* Towing by foreign vessels of any ship, not in distress. *Penalty:* $400. Recoverable under *Customs Act.* Seizure of vessel.

(*s*) Passengers and Property.

183. *Seducing Female Passengers on Vessels.—See* Seduction 5.

184. *Theft from Vessels and Wharfs.—See* Theft 35.

185. *Omitting to have Wireless Apparatus Fitted to Vessel. —See* Wireless 4.

186. *Passengers Violating Immigration Laws.—See* Immigration 1, 3, 4, 10.

187. *Masters' and Mates' Violating Immigration Law with Respect to Passengers.—See* Immigration 12.

188. *Carrying Excessive Number of Immigrant Passengers. —See* Immigration 23.

189. *Failing to Account to Immigration Officers for Passengers According to Manifest.—See* Immigration 3.

190. *Permitting Stowaway to Land in Canada.—See* Immigration 14.

191. *Violating Contract with Immigration Passenger.—See* Immigration 19.

192. *Intercourse between Crew and Female Immigrants prohibited.—See* Immigration 20.

193. *Master Permitting Member of Crew to have Intercourse with Female Immigrant Passengers.—See* Immigration 21.

194. *Neglecting to Post Notices Regarding Intercourse between Passengers.—See* Immigration 22.

195. *Carrying Excess Number of Immigrant Passengers.— See* Immigration 23.

196. *Selling Liquor to Steerage Passengers.—See* Immigration 25.

196*a*. *Scalping Immigrant Tickets.—See* Immigration 26.

197. *Being Commander of Vessel Whereon Liquor is Sold to Indians.—See* Indians 21.

198. *Fraudulently Obtaining Passage on Boat. — See* Fraud 8.

(*t*) MISCELLANEOUS.

199. *Shipping Live Stock by Sea.—See* LIVE STOCK 6-8.

200. *Regulation and Control of Carriage of Goods by Water. —See* CARRIAGE BY WATER 1-4.

201. *Refusing to Hove to when Demanded to in King's Name.—See* CUSTOMS 69; FISH AND FISHING 27.

202. *Placing or Throwing Explosives at or Near Vessel.— See* EXPLOSIVES 3.

203. *Neglecting to Provide Compass in Deep Sea Fishing Boats.—See* FISH AND FISHING 20.

204. *Fishing Vessel Going to Sea without Certificate.—See* FISH AND FISHING 21.

Smuggling—

1. *Smuggling Goods Through Customs.—See* CUSTOMS 20.

2. *Seaman Causing Loss to Owner or Master Through Being Convicted of Smuggling.—See* SHIPPING 65, 84.

3. *Smuggler Carrying Offensive Weapons.—See* OFFENSIVE WEAPONS 3.

4. *Procuring Persons to Assist in Smuggling Operations.— See* CUSTOMS 12.

5. *Vessel Found Hovering Near Cost with Prohibited Goods Aboard.—See* CUSTOMS 25.

6. *Being in Possession of Smuggled Goods on Vessel or in Vehicle.—See* CUSTOMS 26.

7. *Smuggling in Company with Others.—See* CUSTOMS 29.

8. *Being on Board Smuggling Vessel.—See* CUSTOMS 30.

9. *Concealing Goods on Person.—See* CUSTOMS 32.

10. *Keeping or Selling Smuggled Goods.—See* CUSTOMS 33.

11. *Offering Goods for Sale as Smuggled Goods.—See* CUSTOMS 70.

Soldiers' Settlement—

1. *Obstructing Officer of Soldiers' Settlement Board.— Statute:* The *Soldiers' Settlement Act,* 1919, ch. 71, sec. 56 (2). *Offence:* Any person resisting or obstructing a commissioner or officer or employee of the Soldiers' Settlement Board, in the execution of his duties under the *Soldiers' Settlement Act,* 1919 (sec. 56 (2)). *Prosecution:* On summary conviction (sec. 56 (2)). *Penalty:* Fine not exceeding $200 or 5 months' imprisonment (sec. 56 (2)).

2. *Paying Commission on Sale to Soldiers' Settlement Board. —Statute:* The *Soldiers' Settlement Act,* 1919, ch. 71, sec.

61 (4). *Offence:* If any fee or commission or advance in price is paid by or to any person, firm, or corporation, for any services rendered in the sale of any land made to the Board, whether for finding or introducing a buyer or otherwise, the following consequences ensue, namely: any person who in any affidavit made as required under sub-section 3 of section 61, wilfully and knowingly states an untruth or suppresses the truth with respect to any matter which, pursuant to such sub-section, he is required by way of such affidavit to make disclosures, is guilty of an indictable offence (sec. 61 (4)). *Prosecution:* On indictment. *Penalty:* $5,000 or 5 years or both (sec. 61 (4)). The fee, commission or advance in price may be recovered by the Board, by suit instituted by the Board as agent of His Majesty in any court having jurisdiction in debt to the amount involved (sec. 61 (4)).

3. *Penalties not Otherwise Provided for.—Statute:* The *Soldiers' Settlement Act,* 1919, ch. 71, sec. 62. *Offence:* Any person guilty of any wilful breach or non-observance of any provision of the *Soldiers' Settlement Act,* 1919, for which no other penalty is specially provided. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $1,000 or 1 year's imprisonment, or both fine and imprisonment (sec. 62). *Special Provisions:* Where any offence under the *Soldiers' Settlement Act,* 1919, whether by way of breach or non-observance of any provision of such Act, is committed by a corporation, every officer or employee of the corporation who has in any manner aided or participated in the commission of the offence is personally liable as for the commission of such offence by him, and prosecution of conviction of any one officer or employee of the corporation is not a bar to prosecution of conviction of any one of them (sec. 62 (2)).

Spreading False News—

1. *Spreading False News.—Statute:* Criminal Code, sec. 136. *Offence:* Any person wilfully and knowingly publishing any false news or tale whereby injury or mischief is or is likely to be occasioned to any public interest. *Prosecution:* On indictment. *Penalty:* 1 year.

Spring Guns and Man Traps—

1. *Setting.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 281 (1). *Offence:* Any person setting or placing, or causing to be set or placed, any spring gun, man trap, or other engine calculated to destroy human life or inflict grievous bodily

harm, with intent that the same or whereby the same may destroy, or inflict grievous bodily harm upon any treaspasser or other person coming in contact therewith. *Prosecution:* On indictment. *Penalty:* 5 years.

Stamps—

(*a*) REVENUE STAMPS.

1. *Counterfeiting Revenue Stamps.—Statute:* Criminal Code, sec. 479 (*a*). *Offence:* Any person fraudulently counterfeiting any stamp, whether impressed or adhesive, used for the purposes of revenue, by the Government of the United Kingdom or of Canada, or by the Government of any province of Canada, or of any possession or colony of His Majesty, or by any foreign prince or state. *Prosecution:* On indictment. *Penalty:* 14 years.

2. *Disposing of Counterfeited Revenue Stamps.—Statute:* Criminal Code, sec. 479 (*b*). *Offence:* Any person knowingly selling or exposing for sale, or uttering or using any counterfeit revenue stamp. *Prosecution:* On indictment. *Penalty:* 14 years.

3. *Making or Having in Possession Die for Counterfeiting Revenue Stamps.—Statute:* Criminal Code, sec. 479 (*c*). *Offence:* Any person without lawful excuse, the proof whereof shall lie on him, making, or having in his possession, knowingly any die or instrument capable of making the impression of any stamp used for revenue purposes, or any part thereof. *Prosecution:* On indictment. *Penalty:* 14 years.

4. *Removing Revenue Stamp with Intent to Fraudulently use the Same.—Statute:* Criminal Code, sec. 479 (d). *Offence:* Any person fraudulently cutting, tearing, or in any way removing, from any material any stamp used for revenue purposes, with intent that any use should be made of such stamp or of any part thereof. *Prosecution:* On indictment. *Penalty:* 14 years.

5. *Mutilating Revenue Stamps.—Statute:* Criminal Code, sec. 479 (*e*). *Offence:* Any person fraudulently mutilating any stamp used for revenue purposes, with intent that any use should be made of any part of such stamp. *Prosecution:* On indictment. *Penalty:* 14 years.

6. *Fraudulently Using Revenue Stamps.—Statute:* Criminal Code, sec. 479 (*f*). *Offence:* Any person fraudulently fixing or placing upon any material or upon any revenue stamp, any stamp or part of a stamp which, whether fraudulently or not, has been cut, torn, or in any other way removed from any

other material or out of or from any other stamp. *Prosecution:* On indictment. *Penalty:* 14 years.

7. *Fraudulently Erasing Marks on Stamped Material or Possessing Same.—Statute:* Criminal Code, sec. 479 (*g*) (*h*). *Offence:* Any person: 1, Fraudulently erasing or otherwise either really or apparently, removing from any stamped material any name, sum, date, or other matter or thing thereon written with the intent that any use should be made of the stamp upon such material; 2, knowingly and without lawful excuse the proof whereon shall lie on him, having in his possession any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed, from any material, or any stamp which has beeen fraudulently mutilated, or any stamped material out of which any name, sum, date, or other matter, or thing has been fraudulently erased or otherwise either really or apparently removed. *Prosecution::* On indictment. *Penalty:* 14 years.

(*b*) Postage Stamps.

8. *Postage Stamp Offences.—See* Post Office 4-8, 20, 24.

9. *Trade Checks and Stamps.—See* Trading Stamps 1-3.

10. *Person Signing Receipt for Money Paid by Bank without Affixing War Stamp.—See* War 16.

11. *Bank Issuing or Paying Cheque without War Stamp Affixed.—See* War 17.

12. *Bank Omitting to Cancel Stamp on Cheque.—See* War 18.

13. *Banks Taking Receipt without War Stamp.—See* War 19.

14. *Express Company Issuing Money Order or Cheque without Stamp.—See* War 20.

15. *Foreign Express Company Issuing Money Order or Cheque without Affixing Stamp.—See* War 21.

16. *Neglecting to Affix War Stamp on Patent Medicine.—See* War 22.

17. *Neglecting to Cancel War Stamps on Patent Medicines, etc.—See* War 23.

18. *Water Meters Stamps.—See* Water Meters 1-7.

19. *Unstamped Weights and Measures.—See* Weights and Measures 6.

20. *Gas Meter Stamps.—See* Gas 1-7.

21. *Opening Package of Tobacco without Cancelling Inland Revenue Stamp.—See* Inland Revenue 40.

22. *Affixing Forged Revenue Stamp to Packages of Tobacco.* *See* INLAND REVENUE 45.

23. *Counterfeiting Revenue Stamps.*—*See* COUNTERFEITING 4.

Statistics—

1. *Census Officials Committing Offences.*—The *Statistics Act,* 1918, ch. 43, sec. 36. *Offences:* Person employed in the execution of any duty under the *Statistics Act,* 1918, or any regulation:—1, Deserting from duty after having taken prescribed oath or wilfully making false declaration, statement or return touching any such matter; *or* 2, in pretended performance of his duties, obtains, or seeks to obtain information which he is not authorized to obtain; *or,* 3, violating secrecy or except as allowed by Act, divulging contents of schedule, form, or information furnished pursuant to Act or any regulation. *Prosecution:* On summary conviction. *Penalty:* Fine, min., $50; max., $300; or imprisonment, min., 1 month; max., 6 months, or both fine and imprisonment. *Special Provisions:* Moieties. Evidence.

2. *Offences Respecting Questions and Information.*—The *Statistics Act,* 1918, ch. 43, sec. 37. *Offences:* Any person, without lawful excuses:—1, Refusing or neglecting to answer, or wilfully answering falsely, any question requisite for obtaining any information sought in respect of the objects of the *Statistics Act,* 1918, or any regulation pertinent thereto which has been asked of him by any person employed in the execution of any duty under the said Act, or any regulation; *or,* 2, refusing or neglecting to furnish any information or to fill up to the best of his knowledge and belief any schedule or form which he has been required to fill up under the *Statistics Act,* 1918, or any regulation, *or* 3, wilfully giving false information or practising any other deception thereunder. *Prosecution:* On summary conviction. *Penalty:* Fine, min., $20; max., $100; or imprisonment, min., 30 days; max., 3 months, or both fine and imprisonment. *Special Provisions:* Evidence. Moieties.

3. *Refusing or Obstructing Access to Records.*—The *Statistics Act,* 1918, ch. 43, sec. 38. *Offences:* 1, Any person having custody or charge of any provincial, municipal or other public records or documents, or any records or documents of any corporation from which information sought in respect of the objects of the *Statistics Act,* 1918, or any regulation, can be obtained, or which would aid in the completion or correction thereof,

wilfully or without lawful excuse refusing or neglecting to grant access thereto to any census officer, commissioner, enumerator, agent or other person deputed for that purpose by the Dominion Statistician; *or*, 2, any person wilfully hindering or seeking to prevent or obstruct such access or otherwise in any way wilfully obstructing any person employed in the execution of any duty under the *Dominion Statistics Act*, 1918, or regulation. *Prosecution:* On summary conviction. *Penalty:* Fine, min., $50; max., $300; or, imprisonment, min., 1 month; max., 6 months; or both fine and imprisonment. *Special Provisions:* Evidence. Moieties.

Statutes and Orders—

1. *Disobeying Statute.—Statute:* Criminal Code, sec. 164. *Offence:* Any person without lawful excuse, disobeying any Act of the Parliament of Canada or of any legislature in Canada by wilfully doing any act which it forbids, or omitting to do any act which it requires to be done, unless some penalty or other mode of punishment is expressly provided by law. *Prosecution:* On indictment. *Penalty:* One year's imprisonment.

2. *Disobeying Orders of Court.—Statute:* Criminal Code, sec. 165. *Offence:* Any person, without lawful excuse, disobeying any lawful order, other than for the payment of money, made by any Court of Justice, or by any person or body of persons authorized by any statute to make or give such order, unless some penalty is imposed or other mode of proceeding is expressly provided by law. *Prosecution:* On indictment. *Penalty:* 1 year's imprisonment.

Stills—

1. *Having Illicit Still in Possession.—See* INLAND REVENUE 17.

Statutory Declarations—

1. *False Declarations in Extra Judicial Matters.—See* PERJURY 4.

Steamboats—

1. *Inspection.—See* SHIPPING 121-140.
2. *Wireless Apparatus.—See* WIRELESS 4.
3. *Sale of Liquor Aboard.—See* IMMIGRATION 24; INDIANS 21.

Stock Yards—

1. *Control of Live Stock Yards.—See* LIVE STOCK 9.

Stolen Property—

1. *Bringing Stolen Property into Canada.—Statute:* Criminal Code, sec. 398. *Offence:* Any person, having obtained elsewhere than in Canada any property by any act which if done in Canada would have amounted to theft, brings such property into or has the same in Canada. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Receiving Property Obtained by Crime.—Statute:* Criminal Code, sec. 399. *Offence:* Any person, receiving or retaining in his possession anything obtained by any offence punishable on indictment, or by any acts whatsoever committed, which if committed in Canada would have constituted an offence punishable upon indictment, knowing such thing to have been so obtained. *Prosecution:* On indictment. *Penalty:* 14 years.

3. *Receiving Stolen Property. — Statute:* Criminal Code, sec. 400. *Offence:* Any person receiving or retaining in his possession, any post letter, or post letter bag, or any chattel, money, or valuable security, parcel or other thing the stealing whereof is declared to be an indictable offence, knowing the same to have been stolen. *Prosecution:* On indictment. *Penalty:* 5 years.

4. *Receiving Property Obtained by Offence Punishable on Summary Conviction.—Statute:* Criminal Code, sec. 401. *Offence:* Any person receiving or retaining in his possession anything, knowing the same to have been unlawfully obtained, the stealing of which is punishable on summary conviction, either for every offence, or for the first, and second offence only. *Prosecution:* Summary conviction. *Penalty:* For every first, second or subsequent offence of receiving to the same punishment as if he were guilty of a first, second or subsequent offence of stealing the same.

5. *Pretending to Find Stolen Property by Means of Witchcraft.—Statute:* Criminal Code, sec. 443. *Offence:* Any person pretending to exercise or use any kind of witchcraft, sorcery, enchantment or conjuration, or pretending from his skill or knowledge in any occult or crafty science, to discover where or in what manner any goods or chattels supposed to have been lost or stolen may be found. *Prosecution:* On indictment. *Penalty:* 1 year.

6. *Receiving Stolen Property not Exceeding $10.—Statute:* Criminal Code, sec. 773 (*a*). *Offence:* Any person unlawfully receiving stolen property where the value of the property does not in the judgment of the magistrate exceed $10. *Prosecution:*

On summary trial before two Justices of the Peace, etc. *Penalty:* Imprisonment not exceeding 6 months.

7. *Authorizing Reward and Immunity for Recovering Stolen Property.* (See Code, sec. 183).

8. *Disposing of Stolen Property to Pawnbroker.—See* PAWNBROKER 3.

9. *Secreting in Marine Store.—See* MARINE STORES 3.

Stowaways—

1. *Permitting Stowaway to Land in Canada.—See* IMMIGRATION 14.

2. *Obtaining Passage as Stowaway.—See* SHIPPING 69.

Straw—

1. *Putting Foreign Matter in Bales of Straw.—See* INSPECTION AND SALE 40.

Stray Cattle—

1. *Fraudulently Taking up Stray Cattle.—See* FRAUD 2.

2. *Fraudulently Refusing to Deliver up Stray Cattle in Possession.—See* FRAUD 3.

Strikes and Lockouts—

1. *Causing Lockout.—See* INDUSTRIAL DISPUTES 4.

2. *Going out on Strike.—See* INDUSTRIAL DISPUTES 5.

3. *Inciting Lockouts and Strikes.—See* INDUSTRIAL DISPUTES 6.

4. *Intimidation of Workmen.—See* INTIMIDATION 1, 2, 3.

Suicide—

1. *Attempt Suicide.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 270. *Offence:* Any person attempting to commit suicide. *Prosecution:* On indictment. *Penalty:* 2 years' imprisonment.

2. *Aiding or Counselling Suicide.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 269. *Offence:* Any person counselling or procuring any person to commit suicide, actually committed in consequence of such counselling or procurement, or aiding or abetting any person to the commission of suicide. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

Surveys—

1. *Regulations.—Dominion Land Surveys Act,* 1908, ch. 21, sec. 4.—Regulations passed under the *Dominion Lands Survey Act,* 1908, can inflict penalties not exceeding $200 or 3 months'

imprisonment. Regulations to be published in Gazette four successive weeks.

2. *Disobeying Summons.—Dominion Land Surveys Act,* 1908, ch. 21, sec. 37. *Offence:* Refusing or neglecting to appear before Dominion Land Surveyor in answer to subpœna requiring him to appear to give evidence or produce document relating to determination of boundaries. *Prosecution:* Summary conviction before one Justice of the Peace. Warrant may be issued for arrest. *Penalty:* $100 or 90 days or both.

3. *Obstructing Surveyor.—Dominion Land Surveys Act,* 1908, ch. 21, sec. 73. *Offence:* Molesting or hindering land surveyor in discharge of duties. *Prosecution:* Indictable. Summary trial of indictable offence or indictment. *Penalty:* $20 or two months or both.

4. *Destroying Marks of Original Survey.—Dominion Land Surveys Act,* 1908, ch. 21, sec. 74 (1). *Offence:* Pulling down, defacing, altering or removing any monument erected, planted or placed in original survey or re-survey. *Prosecution:* Indictable. Summary trial of indictable offence or indictment. *Penalty:* 7 years' imprisonment.

5. *Destroying Marks Other than Original Survey Marks.—Dominion Land Surveys Act,* 1908, ch. 21, sec. 74 (2). *Offence:* Defacing, altering or removing monument placed by D. L. S. to make limit boundary or angle of township, etc. *Prosecution:* Indictable. Summary trial or on indictment. *Penalty:* $100 or 3 months or both.

6. *Possessing Survey Monuments.—Dominion Land Surveys Act,* 1908, ch. 21, sec. 74 (3). *Offence:* Having in possession or custody when not a D. L. S. any post, monument, etc., used in connection with survey work. *Prosecution:* Indictable. Summary conviction or indictment. *Penalty:* $100 or 6 months or both.

7. *Removing Survey Marks upon Irrigation Works.—See* IRRIGATION 4.

Telegraphs—

(*a*) MESSAGES.

1. *Sending Telegrams in False Names.—Statute:* Criminal Code, sec. 475. *Offence:* Any person, who, with intent to defraud, causes or procures any telegram to be sent or delivered as being sent by authority of any person knowing that it is not sent by said authority, with intent that such telegram should be acted on as being sent by that person's authority. *Prosecution:*

On indictment. *Penalty:* Same as if he had forged a document to the same effect as that of the telegram.

2. *Sending Telegrams Containing False Matter.—Statute:* Criminal Code, sec. 476. *Offence:* Any person who, with intent to injure or alarm any person, sends, causes or procures to be sent, any telegram or letter, or other message containing matter which he knows to be false. *Prosecution:* On indictment. *Penalty:* 2 years.

3. *Government Operator Divulging Information.—Statute:* The *Telegraph Act,* R. S. C. 1906, ch. 126, sec. 5. *Offence:* Any Government telegraph operator divulging any information acquired by virtue of his appointment. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Min., $50; max., $100, or 6 months or both.

4. *Any Telegram Operator Divulging Contents of Telegram. —Statute:* The *Telegraph Act,* R. S. C. 1906, ch. 126, sec. 6. *Offence:* Any telegraph operator divulging contents of telegram. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Min., $50; max., $100, or 6 months or both.

5. *Transmission of Messages.—Telegraphs Act,* R. S. C. 1906, ch. 126, sec. 14. *Offence:* Violating any provision of the *Telegraphs Act,* with regard to order of transmission of telegrams. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Min., $20 and costs; max., $100 and costs, recoverable by party whose dispatch has been postponed out of order.

(*b*) Lines and Apparatus.

6. *Government Control of Lines.—Telegraphs Act,* R. S. C. 1906, ch. 126, sec. 15. *Offence:* Neglecting to give up and transfer possession of telegraph line and instruments, and operators to His Majesty on request, and operators neglecting to act after same has been taken over. *Penalty:* $100 for each refusal, recoverable by Crown for public uses of Canada with costs as debt due Crown.

7. *Interfering with Communication by Telegraph or Destroying, Removing or Damaging Electric Telegraph Apparatus. —Statute:* Criminal Code, sec. 521 (1). *Offence:* Any person wilfully:—1, Destroying, removing or damaging anything which forms part of, or is used or employed in or about any electric, or magnetic telegraph or in the working thereof; or 2, preventing or obstructing the sending, conveyance or delivery of

any communication by any telegraph. *Prosecution:* On indictment. *Penalty:* On indictment, 2 years.

8. *Attempting to Interfere with Communication by Telegraph or Attempt to Destroy, Remove or Damage Electric Telegraph Apparatus. — Statute:* Criminal Code, sec. 521 (2). *Offence:* Any person wilfully by any overt act attempting to commit any offence under sec. 521 (1). *Prosecution:* On summary conviction. *Penalty:* Not exceeding $50 or 3 months with or without hard labour.

(*c*) MARINE.

9. *Transmission of Messages.—Telegraphs Act,* R.S.C. 1906, ch. 126, sec. 30. *Offence:* Violating provisions of Part III. of *Telegraph Act,* respecting order of transmitting messages. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Min., $50; max., $200 and costs, recoverable by party aggrieved.

(*d*) WIRELESS.

10. *Unlicensed Wireless Station.—Telegraphs Act,* R. S. C. 1906, ch. 126, sec. 46. *Repealed.—See* RADIO-TELEGRAPH ACT, 1913, ch. 43, sec. 14.

11. *Obstructing Wireless Communication. — See* WIRELESS 5.

(*e*) MISCELLANEOUS.

12. *Company Neglecting to Keep Record of Messages as Required by War Revenue Act,* 1915.—*See* WAR 7.

13. *Company Neglecting to Transmit Returns under War Revenue Act,* 1915.—*See* WAR 8.

14. *Company Making False or Deceptive Statement Returns under War Revenue Act.—See* WAR 9.

15. *Using Telegraph for Betting Purposes.—See* BETTING 9.

Telephones—

1. *Interfering with Communication by Telephone, or Removing, Destroying or Damaging Telephone Apparatus.— Statute:* Criminal Code, sec. 521 (1). *Offence:* Any person wilfully:—1, Destroying, removing or damaging anything which forms part of, or is used or employed in or about any telephone or in the working thereof; 2, preventing or obstructing the

sending, conveyance, or delivery of any communication by any telephone. *Prosecution:* On indictment. *Penalty:* 2 years.

2. *Attempt to Interfere with Communication by Telephone or Attempt to Remove, Destroy or Damage Telephone Apparatus.—Statute:* Criminal Code, sec. 521 (2). *Offence:* Any person, wilfully by any overt act, attempting to commit any offence under section 521 (1). *Prosecution:* On summary conviction. *Penalty:* Not exceeding $50 or 3 months with or without hard labour.

3. *Using Telephone for Purpose of Betting.—See* BETTING 9.

Tenants and Lodgers—

1. *Stealing Fixtures.—See* THEFT 13.

Theft—

1. *Theft not Exceeding $10.—Statute:* Criminal Code, sec. 773 (*a*). *Offence:* Any person committing theft, where the value of the property does not, in the judgment of the magistrate, exceed $10. *Prosecution:* On summary trial before two Justices of the Peace, etc. *Penalty:* 6 months' imprisonment with or without hard labour.

2. *Attempt to Commit Any Theft.—Statute:* Criminal Code, sec. 773 (*b*). *Offence:* Any person attempting to commit theft. *Prosecution:* On summary trial before two Justices of the Peace, etc. *Penalty:* 6 months' imprisonment with or without hard labour.

3. *Theft Between Husband and Wife—Living Apart.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 354 (1). *Offence:* Any person being a husband or wife, who intending to desert, or on deserting, the other or while living apart from the other fraudulently takes or converts anything which is by law the property of the other in a manner which in any other person would amount to theft.

4. *Theft Between Husband and Wife Living Together.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 354 (2). *Offence: Assisting Spouse.*—Any person, who, while a husband or wife are living together, knowingly, assists either of them in dealing with anything which is the property of the other in a manner which would amount to theft if they were not married. *Receiving Property*—Any person who, while a husband or wife are living together, knowingly receives from either of them anything, the property of the other, obtained from that other in a manner which would amount to theft if they were not married.

5. *Theft by Person Required to Account.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 355. *Offence:* Any person who, having received any money or valuable security or other thing whatsoever, on terms requiring him to account for or pay the same, or the proceeds thereof or any part of such proceeds to any other person though not requiring him to deliver over in specie the identical money, valuable security or other thing received, fraudulently converts the same to his own use, or fraudulently omits to account for or pay the same or any part thereof, or to account for or pay such proceeds or any part thereof, which he was required to account for or pay as aforesaid. *Prosecution:* On indictment. *Penalty:* 14 years under section 358.

6. *Theft by Persons Holding Power of Attorney.* — The Criminal Code, R. S. C. 1906, ch. 146, sec. 356. *Offence:* Any person, who being entrusted, either solely or jointly with any other person, with any power of Attorney for the sale, mortgage, pledge or other disposition of any property, real or personal whether capable of being stolen or not, fraudulently sells, mortgages, pledges, or otherwise disposes of the same or any part thereof, or fraudulently converts the proceeds of any sale, mortgage, pledge, or other disposition of such property or any part of such proceeds to some purpose other than that for which he was entrusted with such power of Attorney. *Prosecution:* On indictment. *Penalty:* 14 years under sec. 358.

7. *Misappropriation of Proceeds Held under Direction.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 357. Offence: Any person who, having received, either solely or jointly with any other person, any money or valuable security, or any power of attorney for the sale of any property, real or personal, with a direction that such money or any part thereof, or the proceeds or any part of the proceeds of such security or such property shall be applied to any purpose or paid to any person specified in such direction, in violation of good faith and contrary to such direction, fraudulently applies to any other purpose or pays to any other person such money or proceeds, or any part thereof. *Prosecution:* On indictment. *Penalty:* 14 years under sec. 358.

8. *Things Seized under Process of Law.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 349. (Repealed 8-9 Ed. VII., ch. 9, sec. 2. This offence is now charged as plain theft and the facts to be the subject of a criminal charge must come within the definition of theft under sec. 347).

9. *Electricity.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 351. *Offence:* Any person maliciously or fraudulently abstracting, causing electricity to be wasted or diverted, consumed or used, commits theft. *Prosecution:* On indictment. *Penalty.*

10. *Theft by Clerk or Servant.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 359 (*a*). *Offence:* Any person, who being a clerk or servant, or being employed for the purpose, or in the capacity of a clerk or servant, steals anything belonging to or in the possession of his master or employee. *Prosecution:* On indictment. *Penalty:* 14 years.

11. *Theft by Bank Clerk and Cashiers.* — The Criminal Code, R. S. C. 1906, ch. 146, sec. 359 (*b*). *Offence:* Any person being a cashier, assistant cashier, manager, officer, clerk or servant of any bank, or saving bank, steals any bond, obligation, bill obligatory or of credit, or other bill or note or any security for money, or any money or effects of such bank, or lodged or deposited with any such bank. *Prosecution:* On indictment. *Penalty:* 14 years.

12. *Theft by Government or Municipal Employees.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 359 (*c*). *Offence:* Any person, being employed in the service of His Majesty, or of the Government of Canada, or the Government of any province of Canada, or of any municipality, steals anything in his possession by virtue of his employment. *Prosecution:* On indictment. *Penalty:* 14 years.

13. *Theft by Tenants and Lodgers.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 360. *Offence:* Any person, who steals any chattel or fixture let to be used by him in or with any house or lodging, commits theft. *Prosecution:* On indictment. *Penalty:* 4 years if chattel or fixture exceeds $25 in value. In other cases, 2 years.

14. *Wills and Codicils.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 361. *Offence:* Any person who, either during the lifetime of the testator of after his death, steals the whole or any part of the testamentary instrument whether the same relates to real or personal property or to both. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

15. *Judicial or Official Documents.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 363. *Offence:* Any person stealing the whole or any part of any record, writ, return, affirmation, recognizance, cognovit actionem, bill, petition, answer, decree, panel, process, interrogatory deposition, affidavit rule, order or warrant of attorney, or of any original document whatsoever of

or belonging to any court of justice, or relating to any cause or matter begun, depending or terminated in any such court or of any original document in any wise relating to the business of any office or employment under His Majesty, and being or remaining in any office appertaining to any court of justice or in any government or public office. *Prosecution:* On indictment. *Penalty:* 3 years.

16. *Letters from Letter Bags, etc.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 364. *Offence:* Any person, stealing a post letter bag, or a post letter from a post letter bag or from any post office, or from any officer or person employed in any business of the post office of Canada, or from a mail; *or,* a post letter containing any chattel, money or valuable security; *or,* any chattel, money or valuable security from or out of a post letter. *Prosecution:* On indictment. *Penalty:* Max., life imprisonment; min., 3 years.—*See* also POST OFFICE 2, 10.

17. *Letters, Parcels, Keys, etc., Outside Letter Bag.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 365. *Offence:* Any person stealing any post letter other than those referred to in section 364; *or,* any parcel sent by parcel post, or any article contained in any such parcel; *or,* any key suited to any lock adopted for use by the Post Office Department and in use on any Canada mails or mail bags. *Prosecution:* On indictment. *Penalty:* Max., 7 years; min., 3 years.

18. *Other Mailable Matter.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 366. *Offence:* Any person stealing any printed vote or proceeding, newspaper, printed paper or book, packet, or package of patterns or samples of merchandise or goods or of seeds, cuttings, bulbs, roots, scions or grafts, or any post card or other mailable matter, other than a post letter, sent by mail. *Prosecution:* On indictment. *Penalty:* 5 years.

19. *Election Documents.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 367. *Offence:* Any person stealing or unlawfully taking from any person having the lawful custody thereof, or from its lawful place of deposit for the time being, any writ of election or any return to a writ of election, or any indenture, poll books, voters' list, certificate, affidavit or report, ballot, or any document or paper made, prepared or drawn out according to or for the requirements of any law in regard to Dominion, provincial, municipal or civil elections. *Prosecution:* On indictment. *Penalty:* Fine in discretion of Court, or 7 years or both fine and imprisonment.

20. *Railway Tickets.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 368. *Offence:* Any person stealing any tramway,

railway or steamboat ticket, or any order or receipt for a passage on any railway or in any steamboat or other vessel. *Prosecution:* On indictment. *Penalty:* 2 years.

21. *Cattle.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 369. *Offence:* Any person stealing any cattle. *Prosecution:* On indictment. *Penalty:* 14 years.

22. *Dogs, Birds or Domestic Animals.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 370. *Offence:* Any person stealing dog, or any bird, beast or other animal ordinarily kept in a place of confinement or for any domestic purpose, or for any lawful purpose of profit or advantage. *Prosecution:*—1, On indictment if value of property exceeds $20; 2, on summary conviction if value does not exceed $20. *Penalty:* 1, On indictment, $50 over and above value of property stolen or 2 years or both; 2, on summary conviction, $20 over and above value of property stolen, or 1 month with hard labour, and on subsequent summary conviction the penalty is 3 months' hard labour.

23. *Oysters.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 371 (1). *Offence:* Any person stealing oysters or oyster brood. *Prosecution:* On indictment. *Penalty:* 7 years.

24. *Theft by Unlawful Dredging for Oysters.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 371 (2). *Offence:* 1, Any person, unlawfully and wilfully using any dredge or net, instrument, or engine whatsoever, for the purpose of taking oysters or oyster brood, within the limits of any oyster bed, laying or fishery the property of any other persons, and sufficiently marked out and known as such, although none are actually taken; *or,* 2, unlawfully and wilfully with any net, instrument or engine drags upon the ground of any such bed, laying or fishery. *Prosecution:* On indictment. *Penalty:* 3 months' imprisonment.

25. *Stealing Fixtures from any House, Street, Park or Cemetery.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 372. *Offence:* Any person stealing any glass or wood work belonging to any building whatsoever, or any lead, iron, copper, brass or other metal, or any utensil or fixture, whether made of metal or other material, or of both, respectively, fixed in or to any building whatsoever, or anything made of metal fixed in any land, being private property, for a fence to any dwelling house, garden, or area, or in any square or street, or in any place dedicated to public use or ornament, or in any burial ground. *Prosecution:* On indictment. *Penalty:* 7 years.

26. *Trees Valued at $5 and $25.—Statute:* Criminal Code, sec. 373. *Offence:* Any person stealing the whole or any part of any tree, sapling, or shrub, or any underwood, the thing stolen being of the value of $25; *or,* of the value of $5 if the thing stolen grows in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling house. *Prosecution:* On indictment. *Penalty:* 2 years.

27. *Trees Valued at 25 cents.—Statute:* Criminal Code, sec. 374. *Offence:* Any person stealing the whole or any part of any tree, sapling or shrub, or any underwood, the value of the article stolen or the amount of the damage done being 25 cents at the least. *Prosecution:* 1st and 2nd offence on summary conviction; 3rd and subsequent offences on indictment. *Penalty:* 1st offence, $25 over and above value of the article stolen or the amount of the injury done; 2nd offence, 3 months' hard labour; 3rd and subsequent offences (on indictment) 5 years.

28. *Plants Growing in Garden.—Statute:* Criminal Code, sec. 375. *Offence:* Any person stealing any plant, root, fruit or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hot-house, green-house or conservatory. *Prosecution:* 1st offence on summary conviction; 2nd and subsequent offences, indictable. *Penalty:* 1st offence, not exceeding $20 over and above the value of the article stolen or amount of injury done or 1 month with or without hard labour; 2nd and subsequent offence, 3 years' imprisonment.

29. *Cultivated Plants Growing Outside Gardens.—Statute:* Criminal Code, sec. 376. *Offence:* Any person stealing any cultivated root or plant used for the food of man or beast or for medicine, or for distilling or for dyeing or for or in the course of any manufacture, and growing in any land open or inclosed, not being a garden, orchard, pleasure ground or nursery ground. *Prosecution:* Summary conviction. *Penalty:* 1st offence not exceeding $5 over and above article stolen or injury done; 2nd and subsequent offences, 3 months with hard labour.

30. *Fences, Stiles or Gates.—Statute:* Criminal Code, sec. 377. *Offence:* Any person stealing any part of any live or dead fence, or any wooden post, pale, wire or rail set up or used as a fence, or any stile or gate, or any part thereof respectively. *Prosecution:* On summary conviction. *Penalty:* 1st offence not exceeding $20 over and above value of article stolen or injury done; 2nd and subsequent offences, 3 months with hard labour.

31. *Ores or Minerals from Mines.—Statute:* Criminal Code, sec. 378. *Offence:* Any person stealing the ore of any metal, or

any quartz, lapis calaminaris, manganese, or mundic, or any piece of gold, silver or other metal, or any wad, black cawk, or black lead or any coal, or cannel coal, or any marble, stone or other mineral from any mine bed or vein thereof respectively. *Prosecution:* On indictment. *Penalty:* 2 years.

32. *Theft from the Person.—Statute:* Criminal Code, sec. 379. *Offence:* Any person stealing any chattel, money, or valuable security from the person of another. *Prosecution:* On indictment. *Penalty:* 14 years.

33. *Theft in a Dwelling House.—Statute:* Criminal Code, sec. 380. *Offence:* Any person stealing in any dwelling house any chattel, money or valuable security to the value in the whole of $25 or more, or, steals any chattel, money, or valuable security in any dwelling house and by any menace or threat puts anyone therein in bodily fear. *Prosecution:* On indictment. *Penalty:* 14 years.

34. *Theft by Picking Locks.—Statute:* Criminal Code, sec. 381. *Offence:* Any person by means of any pick-lock, false key or other instrument steals anything from any receptacle for property locked or otherwise secured. *Prosecution:* On indictment. *Penalty:* 14 years.

35. *Theft from Vessels and Wharfs.—Statute:* Criminal Code, sec. 382. *Offence:* 1, Any person stealing any goods, or merchandise, in any vessel, barge or boat, of any description whatsoever in any haven or any port of entry or discharge or upon any navigable river or canal, or in any creek or basin belonging to or communicating with any such haven, port, river or canal; 2, any person stealing any goods or merchandise from any dock, wharf or quay adjacent to any such haven, port, river, canal, creek or basin. *Prosecution:* On indictment. *Penalty:* 14 years.

36. *Wreck.—Statute:* Criminal Code, sec. 383. *Offence:* Any person stealing any wreck. *Prosecution:* On indictment. *Penalty:* 7 years.—*See* also WRECKS.

37. *Theft from Railway Carriage or Station.—Statute:* Criminal Code, sec. 384. *Offence:* Any person stealing anything in or from any railway station or building or from any engine, tender, or vehicle of any kind on any railway. *Prosecution:* On indictment. *Penalty:* 14 years.

38. *Things Deposited in Indian Graves.—Statute:* Criminal Code, sec. 385. *Offence:* Any person stealing, or unlawfully injuring or removing any image, bones, article or thing deposited in or near any Indian grave. *Prosecution:* On summary con-

viction. *Penalty:* 1st offence, $100 or 3 months; subsequent offences, same as 1st offence, with addition of 6 months hard labour.

39. *Things not Otherwise Provided for.—Statute:* Criminal Code, sec. 386. *Offence:* Any person stealing anything for the stealing of which no punishment is otherwise provided or commits in respect thereof any offence for which he is liable to the same punishment as if he had stolen the same. *Prosecution:* On indictment. *Penalty:* 1st offence, 7 years; subsequent offence, 10 years.

40. *Things Valued at over $200.—Statute:* Criminal Code, sec. 387. *Punishment:* If the value of anything stolen (or in respect of which any offence is committed and for which the offender is liable to the same punishment as if he had stolen it) exceeds $200 he is liable to 2 years' imprisonment in addition to the punishment for the offence.

41. *Things in Process of Manufacture.—Statute:* Criminal Code, sec. 388. *Offence:* Any person stealing to the value of $2, any woollen, linen, hempen, or cotton yarn, or any goods or articles of silk, woollen, linen, cotton, alpaca or mohair, or of any one or more of such materials mixed with each other or mixed with any other material, while laid, placed, or exposed, during any stage, process or progress of manufacture in any building, field or other place. *Prosecution:* On indictment. *Penalty:* 5 years.

42. *Motor Cars.*—Criminal Code, R. S. C. 1906, ch. 146, sec. 377A. *Offence:* Any person stealing any automobile, or motor car, commits an offence under sec. 377A. *Prosecution:* On indictment. *Penalty:* 2 years without option of fine. (Code, sec. 377A).

43. *Public Moneys by Post Officer.—See* POST OFFICE 22.

44. *Accessory to Theft by Post Officer.—See* POST OFFICE 23.

45. *Theft by Quebec Bank Officials of Bonds, Money or Effects Deposited with them.—See* QUEBEC SAVINGS BANK 1.

46. *Theft of Savings Bank Moneys by Officers, Clerks, etc.—See* SAVINGS BANK 2-4.

47. *Theft Trade Union Funds.—See* TRADE UNIONS 1.

48. *Things Seised under Inland Revenue Act.—See* INLAND REVENUE 14.

49. *Things Seised under Customs Act.—See* CUSTOMS 68.

Threats—

1. *Compelling Execution of Documents by Threats.—Statute:* Criminal Code, sec. 450. *Offence:* Any person, with intent to defraud, or injure, by unlawful violence to, or restraint of the person of another, or by the threat that either the offender, or any other person, will employ such violence or restraint, unlawfully compels any person to execute, make, accept, endorse, alter, or destroy, the whole or any part, of any valuable security, or to write, impress or affix, any name or seal upon any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

2. *Demanding Property with Menaces in Writing.—Statute:* Criminal Code, sec. 451. *Offence:* Any person sending, delivering or uttering, or directly or indirectly causing to be received, knowing the contents thereof, any letter or writing demanding of any person with menaces, and without any reasonable or probable cause, any property, chattel, money, valuable security or other valuable thing. *Prosecution:* On indictment. *Penalty:* 14 years.

3. *Demanding with Intent to Steal.—Statute:* Criminal Code, sec. 452. *Offence:* Any person who with menaces, demands from any person either for himself or for any other person, anything capable of being stolen, with intent to steal it. *Prosecution:* On indictment. *Penalty:* 2 years.

4. *Sending Threatening Letter with Intent to Extort.—Statute:* Criminal Code, sec. 545 (*c*). *Offence:* 1, Any person, causing any person to receive a document containing any accusation of crime or threat as set out in section 454 of the Criminal Code, knowing the contents of such document; 2, any person who by any accusation of crime, threats, or letters as contained in section 454, compels, attempts to compel any person to execute, make, accept, endorse, alter or destroy, the whole or any part of any valuable security, or to write, impress or affix, any name or seal, upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security. *Prosecution:* On indictment. *Penalty:* 7 years.

5. *Threats to Burn or Destroy.—Statute:* Criminal Code, sec. 516. *Offence:* Any person sending, delivering or uttering, or directly or indirectly causing to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any building or any rick, or stack of grain, hay or straw,

or other agricultural produce, or any grain, hay or straw, or other agricultural produce in or under any building, or any ship or vessel. *Prosecution:* On indictment. *Penalty:* 10 years.

6. *Letters Threatening Murder.*—Criminal Code, R. S. C. 1906, ch. 146, sec. 265. *Offence:* Any person, sending, delivering or uttering, or directly or indirectly causing to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person. *Prosecution:* On indictment. *Penalty:* 10 years.

7. *Procuring Women or Girls for Purposes of Unlawful Knowledge, by Threats or Intimidation.—See* PROCURING 5.

Ticket of Leave—

1. *Failing to Report and Comply with Act.—Ticket of Leave Act,* R. S. C. 1906, ch. 150, sec. 10. *Offence:* Failing to comply with provisions of *Ticket of Leave Act* as to reporting to police. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Forfeiture of license or imprisonment with or without hard labour not exceeding 1 year.

2. *Failing to Produce License.—Ticket of Leave Act,* R. S. C. 1906, ch. 150, sec. 11. *Offence:* Failing to produce license or breaking any condition of his license. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* 3 months with or without hard labour.

3. *Discharged Convict Living Dishonest Life—Ticket of Leave Act,* R. S. C. 1906, ch. 150, sec. 12. *Offence:* Convict discharged on ticket of leave getting livelihood by dishonest means. *Prosecution:* Summary conviction before one Justice of the Peace; arrest without warrant. *Penalty:* Forfeiture of license.

4. *Being at Large while under Sentence of Imprisonment.*—Criminal Code, R. S. C. 1906, ch. 146, Part IV., sec. 185. *Offence:* Any person who, having been sentenced to imprisonment is afterwards and before the expiration of the term for which he was sentenced at large within Canada without some lawful cause, the proof whereof shall lie on him. *Prosecution:* On indictment. *Penalty:* 2 years.

Timber—

1. *Fraudulently Taking Possession of Drift Timber.—See* FRAUD.

2. *Defacing Marks on Drift Timber.—Statute:* Criminal Code, sec. 394 (*a*). *Offence:* Any person, without the consent of the owner thereof, wholly or partially defaces or adds or

causes or procures to be defaced or added, any mark or number, on any timber or lumber adrift as set out in section 394 (*a*) or marks or causes or procures to be made any false or counterfeit mark on any such timber, mast, spar, sawlog, shingle bolt, or other description of lumber. *Prosecution:* On indictment. *Penalty:* 3 years.

3. *Refusing to Deliver Drift Timber to Owner.—Statute:* Criminal Code, sec. 394 (*b*). *Offence:* Any person refusing to deliver up to the proper owner thereof, or to the person in charge thereof, on behalf of such owner, or authorized by such owner to receive the same, any drift timber or lumber adrift as set out in section 394 (*a*). *Prosecution:* On indictment. *Penalty:* 3 years.

4. *Damaging Raft or Crib of Timber or Saw Logs.—Statute:* Criminal Code, sec. 525 (*a*). *Offence:* Any person wilfully breaking, injuring, cutting, loosening, removing or destroying, in whole or in part, any dam, pier, slide, boom or other such work, or any chain or other fastening attached thereto, or any raft, crib of timber or saw logs. *Prosecution:* On indictment. *Penalty:* 2 years.

5. *Blocking up Channel Used for Timber Transmission.—Statute:* Criminal Code, sec. 525 (*b*). *Offence:* Any person impeding or blocking up any channel or passage intended for the transmission of timber. *Prosecution:* On indictment. *Penalty:* 2 years.

6. *Cutting Timber on Homestead without Authority.—See* HOMESTEADS 1.

7. *Selling Timber off Homestead without First Obtaining Patent for Land.—See* HOMESTEADS 3.

8. *Failing to Mark Timber.—Timber Marking Act,* R. S. C. 1906, ch. 72, sec. 11. *Offence:* Failing to select, register and use proper marks by lumbermen. *Prosecution:* Summary conviction. *Penalty:* $50.

9. *Using Another's Timber Mark.—Timber Marking Act,* R. S. C. 1906, ch. 72, sec. 12. *Offence:* Marking timber with a mark registered by another person. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* Min., $20 and costs; max., $100 and costs. *Special Provisions:* Penalty belongs to proprietor of mark. Complaint must be laid by proprietor or his agent.

Title Deeds—

1. *Destroying Documents of Title.—Statute:* Criminal Code, sec. 396. *Offence:* Any person destroying, cancelling,

concealing or obliterating any document of title to goods, or lands, or any valuable security, testamentary instrument, or judicial official or other document, for any fraudulent purpose. *Prosecution:* On indictment. *Penalty:* Same as if he had stolen the same.

2. *Concealing Deeds or Encumbrances or Falsifying Title to Land.—Statute:* Criminal Code, sec. 419. *Offence:* Any person who, being a seller, or mortgagor of land or of any chattel, real or personal, or chose in action, or the solicitor or agent of any such seller or mortgagor (and having been served with a written demand of and abstract of title by or on behalf of the purchaser, or mortgagee before the completion of the purchase or mortgage) conceals any settlement, deed, will or other instrument material to the title, or any encumbrance, from such purchaser or mortgagee, or falsifies any pedigree, upon which the title depends, with intent to defraud and in order to induce such purchaser or mortgagee to accept the title offered or produced to him. *Prosecution:* On indictment. *Penalty:* Fine or 2 years or both.

3. *Fraudulent Registration of Title to Land.—Statute:* Criminal Code, sec. 420. *Offence:* Any person who, acting either as principal or agent in any proceeding to obtain the registration of any title to land or otherwise, or in any transaction relating to land which is, or is proposed to be put on the register, knowingly and with intent to deceive, makes or assists or joins in or is privy to the making of, any material false statement or representation, or suppresses, conceals, assists or joins in, or is privy to the suppression, withholding or concealing from any judge, or registrar, or any person employed or assisting the registrar, any material document, fact or matter of information. *Prosecution:* On indictment. *Penalty:* 3 years.

Tobacco and Cigarettes—

(*a*) SALE.

1. *Sale of Cigarettes and Tobacco to Minors.—Tobacco Restraint Act,* 1908, ch. 73, sec. 1. *Offence:* Person selling, giving or furnishing to a person under the age of 16 years any cigarettes or cigarette papers (whether for his own use or not) or tobacco in any other form which he knows or has reason to believe is for the use of that person. *Prosecution:* Summary conviction before one Justice of the Peace, etc. *Penalty:* 1st offence, $10;

2nd offence, $25; 3rd and subsequent offence, $100. *Special Provisions:* Seizure of cigarettes, cigarette paper, or tobacco in possession of child if *found smoking* or chewing or about to smoke or chew in street or public place by such child.

2. *Juvenile Smoking, having in Possession or Purchasing Tobacco.—Tobacco Restraint Act,* 1908, ch. 73, sec. 3. *Offence:* Person under 16 years of age smoking or chewing tobacco in a street or public place, or purchasing or having in possession (whether for his own use or not) any cigarettes, or cigarette paper, or purchases or has in possession, *for his own use,* tobacco in any form other than cigarettes. *Prosecution:* Summary conviction before one Justice of the Peace, etc. *Penalty:* 1st offence, reprimand; 2nd offence, $1; 3rd and subsequent offence, $4. *Special Provisions:* Justice must require information of person from whom the same was purchased or obtained. Refusal to give this information amounts to contempt of Court.

3. *Automatic Vending Machines.—Tobacco Restraint Act,* 1908, ch. 73, sec. 4 (2). *Offence:* Refusing or neglecting to carry out directions of Justice of the Peace given to the person on whose premises there is an automatic vending machine to prevent use by juveniles. *Prosecution:* Summary conviction. *Penalty:* $25 and further penalty of $5 a day during which offence is continued. *Special Provisions:* Seizure of cigarettes or tobacco is permitted.

(*b*) *Importation and Manufacture.*

4. *Unlawfully Bringing Raw Leaf Tobacco into Manufactory Surreptitiously.—See* INLAND REVENUE 37, 51.

5. *Cultivating Tobacco without a License.—See* INLAND REVENUE 38.

6. *Manufacturing Tobacco without a License.—See* INLAND REVENUE 39.

7. *Opening Packages of Tobacco without Breaking Inland Revenue Stamp—See* INLAND REVENUE 40.

8. *Affixing Forged Inland Revenue Stamps on Packages of Tobacco.—See* INLAND REVENUE 45.

9. *Unlawfully Removing Tobacco from Manufactory without Inland Revenue Stamps being Affixed. — See* INLAND REVENUE 46.

10. *Receiving Tobacco and Cigars Unlawfully Manufactured.—See* INLAND REVENUE 47.

11. *Receiving Tobacco and Cigars not Properly Stamped and Packed According to Law.—See* INLAND REVENUE 48.

12. *Manufacturer or Importer Failing to Affix Caution Label —See* INLAND REVENUE 50.

13. *Falsely Accounting Manufactured Tobacco.—See* INLAND REVENUE 51.

(*c*) MISCELLANEOUS.

14. *Unlawfully having in Possession or Selling Manufactured Tobacco or Cigars without Inland Revenue Stamp Affixed. —See* INLAND REVENUE 52, 53.

15. *Selling Cigars not Properly Packed and Stamped or Branded.—See* INLAND REVENUE 54, 55.

16. *Having in Possession, Unlawfully, Sample Cigars —See* INLAND REVENUE 56.

Tolls and Toll Gates—

(*a*) GOVERNMENT TOLLS.

1. *Non-payment of Government Tolls.—Statute:* The *Government Works Tolls Act,* R. S. C. 1906, ch. 40, sec. 4. *Offence:* Violating any regulation made by the Governor-in-Council respecting matters relating to collection of tolls and dues on timber, lumber or saw logs passing through, or respecting the use of any slide, boom, dam, bulkhead or other works for facilitating the transmission of timber and lumber down any river or stream which is under the control of the Government of Canada. *Procedure:* Summary conviction (sec. 19). *Court:* Any court of competent jurisdiction. *Penalty:* Fine not exceeding $500. *Special Provisions: Burden of proof.*—When any timber, lumber or saw logs are seized or any prosecution brought under the Act, the burden of proving payment of tolls or the fact that the works had not been used by the accused, is upon him and not on the officer instituting the prosecution (sec. 13).

2. *Refusing to Give Information under Act Respecting Government Tolls—Statute:* The *Government Works Tolls Act,* R. S. C. 1906, ch. 40, sec. 17. This section applies to every manager or officer of any railway. *Offence:* Refusing or neglecting to give information required by the *Government Works Tolls Act,* or giving false information. *Procedure:* On summary conviction (sec. 19). *Court:* Any Court of competent jurisdiction. *Punishment:* Fine not less than $100 nor more than $500. *Special Provisions: Returns by railway officers:* All managers and officers of railways when requested by the collector of tolls and dues so to do, must render an account

of timber, lumber and saw logs which are forwarded by their railway, stating kinds, quantities and specifying the owners thereof or by whom the same are sent (sec. 15).

(*b*) TOLL GATES.

3. *Closing Toll Gate and Refusing Mail to Pass Through.—See* POST OFFICE 16.

Trade and Commerce—

1. *Fraudulent Use of Trade Marks and Trade Names.—See* TRADE MARKS.

2. *Conspiring in Restraint of Trade.—See* CONSPIRACY.

3. *Wilfully Breaking Contracts Respecting Light, Gas or Water Supply, or Carriage of Mails by Railway.—See* CONTRACTS.

4. *Intimidating Workmen.—See* INTIMIDATION 1, 2.

5. *Intimidation to Prevent Debarkation and Dispersal of Food Stuffs.—See* INTIMIDATION 3.

Trade Marks—

1. *Forgery and Fraudulent Use of Trade Marks.—Statute:* Criminal Code, sec. 488. *Offence:* Any person, with intent to defraud:—1, Forging any trade mark; 2, falsely applying to any goods any trade mark, or any mark so nearly resembling a trade mark as to be calculated to deceive; 3, making any die, block, machine, or other instrument for the purpose of forging, or being used for forging a trade mark; 4, disposing of, or having in possession any die, block, machine or other instrument, for the purpose of forging a trade mark, or 5, causing any of such things to be done. *Prosecution:* On indictment. *Penalty:* Under sec. 491, 2 years' imprisonment, with or without hard labour or to a fine or to both imprisonment and fine.

2. *Selling Goods Falsely Marked or Calculated to Deceive.—Statute:* Criminal Code, sec. 489. *Offence:* Any person selling or exposing, or having in his possession for sale, or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark, or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, unless he can prove:—(*a*) That having taken all reasonable precaution against committing such an offence he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark or trade description; and

(*b*) that on demand made by or on behalf of the prosecutor he gave all the information in his power with respect to the persons from whom he obtained such goods or things; and (*c*) that otherwise he had acted innocently. *Prosecution:* On indictment. *Penalty:* Under sec. 491, 2 years with or without hard labour or a fine or both fine and imprisonment.

3. *Fraudulently Defacing, Concealing or Removing Trade Mark.—Statute:* Criminal Code sec. 490 (*a*). *Offence:* Any person wilfully defacing, concealing or removing the trade mark duly registered, or name of another person upon any cask, keg, bottle, siphon, vessel, can, or other package, unless such cask, keg, bottle, siphon, vessel, can, case or other package has been purchased from such other person if the same shall have been so defaced, concealed or removed without the consent of, and with the intention to defraud such other person. *Prosecution:* On indictment. *Penalty:* Under sec. 491, 2 years with or without hard labour or a fine or both fine and imprisonment.

4. *Trafficking in Bottles having Duly Registered Trade Mark thereon.—Statute:* Criminal Code, sec. 490 (*b*). *Offence:* Any person being a manufacturer, dealer, or trader, or bottler, trades or traffics in any bottle or siphon, which has upon it the trade mark duly registered, or name of another person, without the written consent of such other person, or without such consent fills such bottle or siphon, with any beverage for the purpose of sale or traffic. *Prosecution:* On indictment. *Penalty:* Under sec. 491. Imprisonment with or without hard labour for 2 years or a fine or both fine and imprisonment.

5. *Falsely representing that Goods are Manufactured for His Majesty.—Statute:* Criminal Code, sec. 492. *Offence:* Any person falsely representing that any goods are made by a person holding a royal warrant, or for the service of His Majesty or any of the Royal Family, or any government department of the United Kingdom or of Canada. *Prosecution:* On summary conviction. *Penalty:* Not exceeding $100.

6. *Unlawful Importation of Goods having Trade Marks Rendering them Liable to Forfeiture.—Statute:* Criminal Code, sec. 493. *Offence:* Any person importing or attempting to import any goods which if sold, would be forfeited under the provisions of the Criminal Code respecting trade marks, or any goods manufactured in any foreign state or country which bear any name or trade mark, which is or purports to be the name or trade mark of any manufacturer, dealer, or trader in the United Kingdom or in Canada unless such name or trade mark is

accompanied by a definite indication of the foreign state or country in which the goods were made or produced. *Prosecution:* On summary conviction. *Penalty:* Max., $500; min., $200, and forfeiture of goods.

7. *Misuse of Mark.—Trade Mark and Design Act,* R. S. C. 1906, ch. 71, sec. 21. *Offence:* Unlawful use of trade mark, or selling or offering articles unlawfully marked. *Prosecution:* Indictment. *Penalty:* Min., $20 and costs; max., $100 and costs. Complaint must be by proprietor or his agent. Penalty is payable to the proprietor.

8. *Misuse of Design.—Trade Mark and Design Act,* R. S. C. 1906, ch. 71, sec. 36. *Offence:* Unlawful use of industrial design, or selling or exposing for sale article with design unlawfully applied. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Min., $20 and costs; max., $120 and costs. Penalty belongs to proprietor of design. Limitation of Action, 12 months.

9. *False Representation.—Trade Mark and Design Act,* R. S. C. 1906, ch. 71, sec. 36. *Offence:* Falsely representing an article as having registered design. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Min., $4 and costs; max., $30 and costs. *Special Provisions:* One moiety belongs to prosecution. Other moiety belongs to Dominion Government. Limitation of Action, 12 months.

Trade Unions—

1. *Misappropriation of Funds, etc.—Trade Unions Act,* R. S. C. 1906, ch. 125, sec. 22. *Offence:* Obtaining possession of any moneys fraudulently, or misapplies same for any purpose not directed in Rules. *Prosecution:* Summary order before two Justices of the Peace, Police Magistrate, etc. *Penalty:* Repayment of moneys improperly applied. Further penalty $100 and costs; imprisonment in default 3 months with or without hard labour. *Special Provisions:* Prosecution by Registrar of Trade Union or person on behalf of union.

2. *Registered Office of Trade Union. — Trade Unions Act,* R. S. C. 1906, ch. 125, sec. 23. *Offence:* Operating as a trade union for 7 days without having a registered office to which notices and communications can be addressed. *Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* $25 a day during operation.

3. *Annual Statements.—Trades Unions Act,* R. S. C. 1906, 1906, ch. 125, sec. 24. *Offence:* Failing to transmit to Registrar

before 1st June in each year, annual statement as required by *Trade Unions Act*, 1906, ch. 125, sec. 24 (2). *Offence:* Failing two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* $25.

4. *Failing to Supply Members with Copies of Statements.—Trade Unions Act*, 1906, ch. 125, sec. 24 (2). *Offence:* Failing to supply member of trade union with copy and regulations and annual statement as required by the *Trade Unions Act. Prosecution:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* $25.

5. *Making False Entries.—Trade Unions Act*, R. S. C. 1906, ch. 125, sec. 25. *Offence:* Making false entries in or omitting statements from annual statement or from rules and regulations. *Prosecutions:* Summary conviction before two Justices of the Peace, Police Magistrate, Stipendiary Magistrate. *Penalty:* $200.

6. *Circulating False Copies of Union Rules.—Trade Unions Act*, R. S. C. 1906, ch. 125, sec. 26. *Offence:* Giving with intent to mislead or defraud any rules not registered under Act. *Prosecution:* Indictable. *Penalty:* $200 or imprisonment 6 months, or both.

7. *Combines in Restraint of Trade.—See* COMBINES 5.

Trading Stamps—

1. *Issuing Trading Stamps.—Statute:* Criminal Code, sec. 505. *Offence:* Any person, by himself or his employee or agent, directly or indirectly, issuing, giving, selling, or otherwise disposing of, or offering to issue, give, sell, or otherwise dispose of trading stamps to a merchant or dealer in goods for use in his business. *Prosecution:* On indictment. *Penalty:* 1 year and fine not exceeding $500. Executive officers of company aiding and abetting are also liable to penalty under sec. 507.

2. *Merchant Giving Trading Stamps ta Purchaser.—Statute:* Criminal Code, sec. 506. *Offence:* Any person, being a merchant or dealer in goods, by himself or his employee or agent, directly or indirectly, giving, or in any way disposing of, or offering to give or in any way dispose of, trading stamps to a purchaser from him of any such goods. *Prosecution:* On indictment. *Penalty:* 6 months and fine not exceeding $200. Executive officers of company aiding and abetting are also liable to penalty under sec. 507.

3. *Purchaser of Goods Receiving Trading Stamps.—Statute:* Criminal Code, sec. 508. *Offence:* Any person, being

purchaser of goods from a merchant or dealer in goods, directly or indirectly receiving or taking trading stamps from the vendor of such goods or his employee or agent. *Prosecution:* On summary conviction. *Penalty:* Fine not exceeding $20.

Treason—

1. *Treason.*—The Criminal Code of Canada, R. S. C. 1906, ch. 146, Part II., sec. 74. *Offence:* Any person committing treason. *Prosecution:* On indictment. *Penalty:* Death. *Special Provisions:* Limitation of Action. Evidence.

2. *Accessories After the Fact to Treason.*—The Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 76. *Offence:* 1, Any person becoming an accessory after the fact to treason; or, 2, any person, knowing that any person is about to commit treason, does not with all reasonable despatch give information thereof to a Justice of the Peace, or use other reasonable endeavours to prevent the commission of the same. *Prosecution:* On indictment. *Penalty:* 2 years.

3. *Levying War by Subject of a State at Peace with His Majesty.*—The Criminal Code of Canada, R. S. C. 1906, ch. 146, Part II., sec. 77. *Offence:* Any subject or citizen of any foreign state or country at peace with His Majesty who—(*a*) is or continues in arms against His Majesty within Canada; or (*b*) commits any act of hostility therein; or (*c*) enters Canada with intent to levy war against His Majesty, or to commit any indictable offence therein for which any person would in Canada be liable to suffer death. *Prosecution:* On indictment. *Penalty:* Death.

4. *Subject of Canada Assisting in Levying War.*—The Criminal Code of Canada, R. S. C. 1906, ch. 146, Part II., sec. 77 (1). *Offence:* 1, Within Canada levying war against His Majesty in company with any of the subjects or citizens of any foreign state or country at peace with His Majesty; or 2, entering Canada in company with any such subjects or citizens with intent to levy war against His Majesty or to commit any such offence therein; or, 3, with intent to aid and assist, joins himself to any person who has entered Canada with intent to levy war against His Majesty or to commit any such offence in Canada. *Prosecution:* On indictment. *Penalty:* Death.

5. *Treasonable Offences.*—The Criminal Code of Canada, R. S. C. 1906, ch. 146, Part II., sec. 78. *Offence:* Every one forming:—(*a*) *Intention to depose His Majesty.*—An intention

to depose His Majesty from the style, honour and royal name of the Imperial Crown of the United Kingdom of Great Britain and Ireland, or of any other of His Majesty's Dominions or Countries; or (*b*) *Intention to levy war.*—An intention to levy war against His Majesty within any part of the said United Kingdom or of Canada, in order by force of constraint to compel him to change his measures of consuls, or in order to put any force or constraint upon or in order to intimidate or overawe both Houses or either House of Parliament of the United Kingdom or of Canada; *or, Intention to induce invasion.*—An intention to move or stir any foreigner or stranger with force to invade the said United Kingdom or Canada, or any other of His Majesty's Dominions or countries, under the authority of His Majesty; and manifests any such intention by conspiring with any person to carry it into effect, or by any other overt act, or by publishing any printing or writing. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

6. *Conspiring to Intimidate Legislature.*—The Criminal Code of Canada, R. S. C. 1906, ch. 146, Part II., sec. 79. *Offence:* Any person confederating, combining or conspiring with any person to do any act of violence in order to intimidate or to put any force or constraint upon any legislative council, legislative assembly, or house of assembly. *Prosecution:* On indictment. *Penalty:* 14 years.

7. *Assaults on King.*—The Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 80. *Offences:* 1, Any person wilfully produces, or has, near His Majesty, any arm, or destructive or dangerous thing with intent to use the same to injure the person of, or to alarm His Majesty; *or* 2, any person wilfully and with intent to alarm or to injure His Majesty or to break the public peace, points, aims, or presents or attempts to point, aim, or present, at or near His Majesty, any firearm, loaded or not, or any other kind of arm; discharges or attempts to discharge at or near His Majesty any loaded arm; discharges or attempts to discharge any explosive material near His Majesty; strikes, or strikes at, or attempts to strike or strike at His Majesty in any manner whatever; throws, attempts to throw, anything at or upon His Majesty. *Prosecution:* On indictment. *Penalty:* 7 years and whipping.

8. *Inciting to Mutiny.*—The Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 81. *Offence:* Any person for any traitorous or mutinous purpose, endeavours to seduce any person serving His Majesty's forces by sea or land from his duty and allegi-

ance to His Majesty, or to incite or stir up any such person to commit any traitorous or mutinous practice. *Prosecution:* On indictment. *Penalty:* Life.

Trees—

1. *Possessing Trees without being Able to Account Therefor. —Statute:* Criminal Code, sec. 395. *Offence:* Any person having in possession, or on his premises, with his knowledge, the whole or any part of any tree, sapling or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, wire, rail, stile or gate, or any part thereof of value of 25 cents at the least, and failing to satisfy the Justice of the Peace that he came lawfully by same. *Prosecution:* Summary conviction. *Penalty:* $10 over and above value of article in possession or on premises.

2. *Theft of Trees Worth $25 or $5.—See* THEFT.

3. *Theft of Trees Worth 25 cents.—See* THEFT.

4. *Injuring Trees to Amount of 25 cents.—Statute:* Criminal Code, sec. 533. *Offence:* Any person wilfully destroying or damaging the whole or any part of any tree, sapling or shrub, or any underwood, wheresoever the same is growing, the injury done being to the amount of 25 cents at the least. *Prosecution:* 1st and 2nd offences on summary conviction; 3rd offence, on indictment. *Penalty:* 1st offence, $25 over and above amount of injury done or 2 months with or without hard labour; 2nd offence, $50 over and above amount of injury done, or 4 months hard labour; 3rd offence on indictment, 2 years.

Trespassing—

1. *Government Railways.—See* RAILWAYS 13.

2. *Penitentiary Grounds.—See* PENITENTIARIES 4.

Trust Companies—

1. *Payment of Organization Expenses after Certificate.— Trust Companies Act,* 1914, ch. 55, sec. 73. *Offence:* Director authorizing payment of, or any manager or any other officer or servant of company, paying or causing to be paid any money for or on account of the incorporation or organization expenses of the company after the certificate permitting the company to commence business has been obtained from the Minister, except and unless the liability so paid has been disclosed to the Minister at the time of the application for such certificate. *Prosecution:* On indictment. *Penalty:* 2 years.

2. *Refusal to make Entries in Books.—Trust Companies Act,* 1914, ch. 55, sec. 74. *Offence:* Director, officer and servant of company refusing or wilfully neglecting to make any proper entry in the books of the company. *Prosecution:* On indictment. *Penalty:* 2 years' imprisonment.

3. *False Statements in Accounts.—Trust Companies Act,* 1914, ch. 55, sec. 75. *Offence:* Making any wilfully false or deceptive statement in any account, statement, return, report, or other document, respecting the affairs of the company; *or,* using any false or deceptive statement in any account, statement, return, report, or other document, respecting the affairs of the company with intent to deceive or mislead any person. *Prosecution:* On indictment. *Penalty:* 5 years, unless greater punishment provided by law.

4. *Signing False Statements.—Trust Companies Act,* 1914, ch. 55, sec. 76. *Offence:* Director, auditor, manager or other officer of company, and every auditor and inspector negligently preparing, signing, approving or concurring in any account, statement, return, report or document, respecting the affairs of the company containing any false or deceptive statement. *Prosecution:* On indictment. *Penalty:* 3 years' imprisonment unless greater punishment is prescribed by law.

5. *Refusing to Produce Books.—Trust Companies Act,* 1914, ch. 55, sec. 77. *Offence:* Director, officer and servant of company, after application by shareholders or creditors, his attorney or agent, refusing or neglecting to produce the books of the company within his power or control containing the names of the persons who are, or have been, shareholders; *or,* 2, refusing or neglecting to produce the books of account of the company within his power of control; *or* 3, refusing or neglecting to allow any of such books to be inspected and extracts taken therefrom, during reasonable business hours of any juridical day. *Prosecution:* On summary conviction. *Penalty:* $50 and costs.

6. *Refusing to Produce Books to Inspector. — Trust Companies Act,* 1914, ch. 55, sec. 78. *Offence:* Director, officer and servant of company refusing to produce for examination to an inspector appointed under the *Trust Companies Act,* 1914, to investigate the affairs and management of the company, all books and documents in his custody and control. *Prosecution:* On summary conviction. *Penalty:* $50 and costs.

7. *Neglecting to Send Statements to Minister.—Trust Companies Act,* 1914, ch. 55, sec. 79. *Offence:* Trust company neglecting to prepare and transmit to the Minister on or before

1st March in each year a statement verified as required by the *Trust Companies Act* and setting forth the particulars as to capital stock, assets and liabilities and such other details as are required by the Act. *Prosecution:* By suit with costs in court of competent jurisdiction of His Majesty instituted by the Attorney-General of Canada or by the Minister. *Penalty:* $20 a day during neglect.

8. *Neglecting to make Returns; or making False Returns or Negligently Signing Untrue Returns under the War Revenue Act,* 1915.—*See* WAR 1-3.

Unlawful Assemblies—

1. *Unlawful Assembly.*—The Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 89. *Offence:* Any person being a member of an unlawful assembly. *Prosecution:* On indictment. *Penalty:* 1 year.

Unlawful Associations—

1. *Being Member or Officer of Unlawful Association or Wearing Button, Carrying Card, Paying Dues or Soliciting Subscriptions.—Statute:* The Criminal Code, sec. 97A. *Offence:* Any person acting or professing to act as an officer of any unlawful association,* and who shall sell, speak, write or publish anything as the representative or professed representative of any unlawful association, or become and continue to be a member thereof, or wear, carry or cause to be displayed upon or about his person or elsewhere any badge, insignia, emblem, banner, motto, pennant, card, button or other device whatsoever, indicating or intended to show or suggest that he is a member of, or in anywise associated with any such unlawful association; or who shall contribute anything as dues or otherwise to it or to any one for it; or who shall solicit subscriptions or contributions for it. *Prosecution:* Presumably on indictment as no court is stipulated. *Penalty:* 20 years' imprisonment. *Special Provisions:* Search warrants and seizure of papers, etc. (sec. 97 (*a*) (6)). Property of unlawful association to be forfeited to Crown 97A (2)).

* "*Unlawful Association.*"—This is defined by section 97*a* (1), as: Any association, organization, society or corporation, whose professed purpose or one of whose professed purposes is to bring about any governmental, industrial, or economic change within Canada by use of force, violence, or physical injury to person or property, or by threats, of such injury, or which teaches, advocates, advises, or defends the use of force, violence, terrorism, or physical injury to person or property, or threats of such injury, in order to accomplish such change, or for any other purpose, or which shall by any means, prosecute or pursue, such purpose or professed purpose, or shall so teach, advocate, advise or defend. (Code, sec. 97A (1)).

Certain facts are *prima facie* evidence of membership (sec. 97A (4)).

2. *Owner, Lessee, Agent or Superintendent of Premises Allowing Meetings of Unlawful Association—Statute:* Criminal Code, sec. 97A (5). *Offence:* Any owner, lessee, agent or superintendent of any building room, premises or place, knowingly permitting therein any meeting of an unlawful association or any subsidiary association or branch or committee thereof, or any assemblage of persons who teach, advocate, advise, or defend the use, without authority of law of force, violence or physical injury to person or property, or threats of such injury. *Prosecution:* Presumably on indictment as no court specially mentioned. *Penalty:* $5,000 fine or 5 years' imprisonment or both. *Special Provisions:* Search warrant and seizure of papers.

3. *Publishing or Circulating Seditious Literature.—See* SEDITION.

Unlawful Drilling—

1. *Unlawful Drilling.*—The Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 98 (3). *Offence:* 1, Every person, who without lawful authority, and in contravention of any prohibition or proclamation by the Governor-in-Council under sec. 98(1), respecting assemblies for military exercise, is present at or attends any such assembly for the purpose of training or drilling any other person to the use of arms or the practice of military exercise or evolutions; or 2, at any assembly trains or drills any other person to the use of arms or the practice of military exercises or evolutions. *Prosecution:* On indictment. *Penalty:* 2 years. *Special Provisions:* Limitation of Action. Proclamations.

2. *Being Unlawfully Drilled.*—The Criminal Code, R. S. C. 1906, ch. 146, Part II., sec. 99. *Offence:* Every one who without lawful authority, attends, or is present at, any assembly referred to in section 98 for the purpose of being, or who at any such assembly is, without lawful authority, and in contravention of such prohibition or proclamation, trained or drilled to the use of arms or the practice of military exercises or evolutions. *Prosecution:* On indictment. *Penalty:* 2 years. *Special Provisions:* Limitation of Action. Proclamations. Order-in-Council.

Vagrancy—

1. *Loose, Idle, or Disorderly Persons, or Vagrants.—Statute:* Criminal Code, R. S. C. 1906, ch. 146, sec. 239. *Offence:* Any person being a loose, idle, or disorderly person or a vagrant

within the meaning of section 238 of the Criminal Code. *Prosecution:* Summary conviction. *Penalty:* Fine not exceeding $50 or imprisonment not exceeding 6 months with or without hard labour or both.

2. *Keeping Disorderly Houses.—See* BAWDY HOUSES.

3. *Being a Vagrant and Supporting Oneself in Part by Living on the Avails of Prostitution.—See* LIVING ON AVAILS 3.

Vegetables—

1. *Injuring Vegetable Productions in Garden.—Statute:* Criminal Code, sec. 534. *Offence:* Any person wilfully destroying, or damaging with intent to destroy any vegetable production growing in any garden, orchard, nursery, ground, house, hothouse, green-house or conservatory. *Prosecution:* 1st offence on summary conviction: 2nd offence, indictable. *Penalty:* 1st offence, fine not exceeding $20 over and above amount of injury done, or 3 months with or without hard labour; 2nd offence, on indictment, 2 years.

2. *Selling Vegetables under Weight.—See* INSPECTION AND SALE 68.

3. *Violating Law Respecting Weight of Bushel Quantities.—See* INSPECTION AND SALE 69.

Vinegar—

1. *Selling Adulterated Vinegar.—See* ADULTERATION 6.

Venereal Diseases—

1. *Communicating any Venereal Disease.*—Statute:* The Criminal Code, sec. 316A. *Offence:* Any person, who is suffering from venereal disease in a communicable form, knowingly or by culpable negligence communicating such venereal disease to any other person. *Prosecution:* On summary conviction. *Penalty:* $500 or six months or both. *Special Provisions:* No person can be convicted upon the evidence of one witness without corroboration in some material particular, implicating the accused (sec. 316A (1)). Reasonable ground for believing himself or herself free from such disease is a good defence (sec. 316A (1)).

Wages—

(*a*) GOVERNMENT CONTRACTS.

1. *Government Contractor Refusing to Furnish Wage Statement.—Wages Liability Act,* R. S. C. 1906, ch 98, sec. 4.

* "*Veneral Disease*" means syphilis, gonorrhea, or soft chancre. (Code, sec. 316a (2).)

Offence: Making default in forwarding, within ten days after demand, list showing workmen and wages unpaid in respect of workmen in Government contract. *Penalty:* Min., $10; max., $100 for every day during which default continues. *Special Provisions:* Minister may deduct penalty from moneys in hands of Government on contract.

(*b*) SEAMEN.

2. *Wage Contracts.*—*See* SHIPPING 21, 29, 32.

3. *Wage Accounts.*—*See* SHIPPING 34.

4. *Wages of Seaman put Ashore as Unfit.* — *See* SHIPPING 40.

War—

(*a*) REVENUE.

1. *Trust or Loan Company Neglecting to Transmit Returns under Section 4 of Special War Revenue Act, 1915.—Special War Revenue Act,* 1915, ch. 8, Part I., sec. 4 (11). *Offence:* Company (trust and loan) refusing or neglecting, or officer or agent of company, refusing or neglecting to transmit or deliver the return called for by section 4 of the *Special War Revenue Act,* 1915. *Prosecution:* Before Exchequer Court of Canada, or any court of competent jurisdiction, or, if the amount of the penalty does not exceed $500 by summary conviction. *Penalties:* $50 a day during continuation of refusal or neglect. *Special Provisions:* Recovery of penalties. Application of fines. Evidence. Prosecutions.

2. *Trust or Loan Company Officers Making False or Deceptive Statements in Returns under Section 4 Special War Revenue Act, 1915.*—The *Special War Revenue Act,* 1915, ch. 8, Part I., sec 4 (12). *Offence:* General manager, manager or other chief executive officer, officer, clerk or servant or agent of the company (trust and loan) wilfully making a false or deceptive statement in the returns, or in any of the records, books, accounts or reports of the company from which the return required is compiled. *Prosecution:* On indictment. *Penalty:* 5 years unless greater punishment prescribed by law. *Special Provisions:* Evidence. Application of fines. Recovery of penalties. Prosecutions.

3. *Trust or Loan Company Officers—Negligent Signing of Returns under Section 4 of Special War Revenue Act, 1915.*—The *Special War Revenue Act,* 1915, ch. 8, Part I., sec. 4 (13).

Offence: General manager, manager, or other chief executive officer, officer, clerk or servant or agent of the company (trust and loan) negligently preparing or signing any such return, record, account or report; *or,* negligently making an untrue entry in any of the books of the company affecting the correctness of the return. *Prosecution:* On indictment. *Penalty:* 3 years, unless greater punishment provided by law. *Special Provisions:* Evidence. Prosecutions. Application of fines. Recovery of penalties.

4. *Insurance Company Neglecting to Transmit Returns under Section 5 of the Special War Revenue Act, 1915.*—The *Special War Revenue Act,* 1915, ch. 8, Part I., sec. 5 (8). *Offence:* Company (insurance) refusing or neglecting, or its agent or attorney, refusing or neglecting to deposit the return as called for by section 5 of the *Special War Revenue Act,* 1915. *Prosecution:* Before Exchequer Court of Canada or any court of competent jurisdiction, or, if amount of penalty does not exceed $500 then by summary conviction. *Penalties:* $50 a day during continuation of refusal or neglect. *Special Provisions:* Recovery of penalties. Application of fines. Evidence. Prosecutions.

5. *Insurance Company Officers making False or Deceptive Statements in Returns under Sec. 5 of the Special War Revenue Act, 1915.*—The *Special War Revenue Act,* 1915, ch. 8, Part I., sec. 5(9). *Offence:* President, vice-president, managing director, secretary, officer, clerk or servant, agent or attorney of company (insurance) wilfully making a false or deceptive statement in the return under section 5 of the *Special War Revenue Act,* 1915, or in any of the books and records of the company from which such return is compiled. *Prosecution:* On indictment. *Penalty:* 5 years unless greater punishment provided by law. *Special Provisions:* Evidence. Application of fines. Recovery of penalties. Prosecutions.

6. *Insurance Company Officers' Neglect in Signing of Returns under Section 5 of Special War Revenue Act, 1915.*—*Special War Revenue Act,* 1915, Part I., sec. 5 (10). *Offence:* President, vice-president, managing director, secretary, officer, clerk or servant, agent or attorney, of company (insurance) negligently preparing or signing any return under section 5 of the *Special War Revenue Act,* 1915, or record of the company; or, negligently making an untrue entry in the books of the company affecting the correctness of the returns. *Prosecution:* On indictment. *Penalty:* 3 years unless greater punishment pre-

scribed by law. *Special Provisions:* Evidence. Disposition of penalties. Recovery of fines. Prosecutions.

7. *Telegraph Company Neglecting to Keep Record of Messages under Section 8 (11) of the Special War Revenue Act, 1915.*—*Special War Revenue Act,* 1915, Part II., sec 8 (11). *Offence:* Company (telegraph) neglecting to make and keep a record in the form prescribed by section 8 of the *Special War Revenue Act,* 1915, of all dispatches and messages originating at each of the company's respective offices in Canada and transmitted over the company's lines for which a charge of 15 cents or more was imposed. *Prosecution:* Before Exchequer Court of Canada or any court of competent jurisdiction, or, if the amount of penalty does not exceed $500 then by summary conviction. *Penalty:* Not exceeding $1,000. *Special Provisions:* Evidence. Application of fines. Recovery of penalties. Prosecutions.

8. *Telegraph Company Neglecting to Transmit Returns under Section 8 of the Special War Revenue Act, 1915.*—The *Special War Revenue Act,* 1915, Part II., sec. 8 (12). *Offence:* Company (telegraph) neglecting to send or deliver the return prescribed by section 8 of the *Special War Revenue Act,* 1915. *Prosecution:* Before Exchequer Court of Canada, or any court of competent jurisdiction or, if amount of penalty does not exceed $500, on summary conviction. *Penalties:* $25 a day during continuance of neglect. *Special Provisions:* Recovery of penalties. Application of fines. Evidence. Prosecution.

9. *Telegraph Company Officers making False or Deceptive Statements in Returns under Section 8 of the Special War Revenue Act, 1915.*—The *Special War Revenue Act,* 1915, Part II., sec. 8 (13). *Offence:* General manager, manager, or other chief executive officer, officer, clerk, or servant, or agent, of the company wilfully making a false or deceptive statement in the return or in any of the records, books, accounts or reports of the company from which the return is compiled. *Prosecution:* On indictment. *Penalty:* 5 years unless greater punishment provided by law.

10. *Telegraph Company Officers Negligently Signing Returns under Section 8 of the Special War Revenue Act, 1915.*—*Special War Revenue Act,* 1915, ch. 8, Part II., sec. 8 (14). *Offence:* General manager, manager, or other chief executive officer, officer, clerk, or servant or agent of telegraph company negligently preparing or signing any return under section 8 of the *Special War Revenue Act,* 1915, or any record, account or

report; *or,* negligently making an untrue entry in any of the books of the company affecting the correctness of the return. *Prosecution:* On indictment. *Penalty:* 3 years unless greater punishment provided by law.

11. *Railway Company Neglecting to Keep Record of Tickets Sold.—Special War Revenue Act,* 1915, ch. 8, Part II., sec. 9 (13). *Offence:* Person selling ticket, right, berth, or seat neglecting to make and keep record in the form required by section 9 of the *Special War Revenue Act,* 1915. *Prosecution:* Before Exchequer Court of Canada, or any court of competent jurisdiction or, if amount of penalty does not exceed $500, on summary conviction. *Penalties:* Not exceeding $1,000. *Special Provisions:* Evidence. Application of penalties. Recovery of fines. Prosecutions.

12. *Railway Company Officers Neglecting to make Returns under Section 9 of the Special War Revenue Act, 1915.—Special War Revenue Act,* 1915, Part II., sec. 9 (14). *Offence:* Person neglecting to send or deliver the return under section 9 of the *Special War Revenue Act,* 1915, of tickets sold. *Prosecution:* Before Exchequer Court of Canada, or court of competent jurisdiction, or, if amount of penalty does not exceed $500, on summary conviction. *Penalties:* $50 a day during continuance of neglect. *Special Provisions:* Evidence. Disposition of penalties. Recovery of fines. Prosecutions.

13. *Railway Companies' Officers making False or Deceptive Statements in Return under Section 9 of the Special War Revenue Act, 1915.—Special War Revenue Act,* 1915, Part II., sec. 9 (15). *Offence:* Person wilfully making a false or deceptive statement in return or in records, accounts or books from which the return is compiled under section 9 of the *Special War Revenue Act,* 1915. *Prosecution:* On indictment. *Penalty:* 5 years unless greater punishment provided by law.

14. *Railway Companies' Officers Negligently Signing Returns under Section 9 of the Special War Revenue Act, 1915.*—The *Special War Revenue Act,* 1915, Part II., sec. 9 (16). *Offence:* Person negligently preparing or signing any return under section 9 of the *Special War Revenue Act,* 1915; *or,* negligently making an untrue entry in any of the records, accounts or reports, from which the return is compiled. *Prosecution:* On indictment. *Penalty:* 3 years unless greater punishment provided by law.

15. *Purchaser of Ticket Violating Section 9 of Special War Revenue Act, 1915.*—The *Special War Revenue Act,* 1915, Part

II., sec. 9 (17). *Offence:* Purchaser of ticket, right to transportation, berth or seat to which section 9 of the *Special War Revenue Act,* 1915, applies, refusing or neglecting to make payment of tax thereon as therein provided. *Prosecution:* Before Exchequer Court of Canada, or court of competent jurisdiction; *or,* if the amount of penalty does not exceed $500, then on summary conviction. *Penalty:* $50. *Special Provisions:* Evidence. Application of fines. Recovery of penalties. Prosecutions.

16. *Signing Receipt for Money Paid by Bank without Stamp.* The *Special War Revenue Act,* 1915, Part III., sec. 12 (9). *Offence:* Any person signing a receipt for money paid to him by a bank chargeable against a deposit of money in the bank to his credit to which there is not affixed an adhesive stamp, or on which there is not impressed by means of a die, a stamp of the value of two cents. *Prosecution:* Before Exchequer Court of Canada, or, court of competent jurisdiction, or, if amount of penalty does not exceed $500, on summary conviction. *Penalty:* Not exceeding $50. *Special Provisions:* Evidence. Disposition of penalties. Recovery of fines. Moieties.

17. *Bank Issuing or Paying Cheque without Stamp.*—The *Special War Revenue Act,* 1915, Part III., sec. 12 (10). *Offence:* Every bank issuing, paying, presenting for payment, or accepting payment of a cheque or other bill of exchange or promissory note upon which a stamp of the value of two cents has not been affixed or impressed in accordance with section 12 of the *Special War Revenue Act,* 1915. *Prosecution:* Before Exchequer Court of Canada, or court of competent jurisdiction, or if amount of penalty does not exceed $500, on summary conviction. *Penalty:* $100. *Special Provisions:* Evidence: Application of fines. Recovery of penalties. Moieties.

18. *Bank Omitting to Cancel Stamp on Cheque.*—The *Special War Revenue Act,* 1915, Part III., sec. 12(11). *Offence:* Any bank omitting or neglecting to cancel, in accordance with requirements of section 12 of the *Special War Revenue Act,* 1915, the adhesive stamp affixed to a cheque, bill of exchange, promissory note, or receipt for money. *Prosecution:* Before Exchequer Court of Canada, or court of competent jurisdiction, or if penalty does not exceed $500, on summary conviction. *Penalty:* $100. *Special Provisions:* Evidence. Application of fines. Disposition of penalties. Moieties.

19. *Bank Taking Receipt without Stamp.*—The *Special War Revenue Act,* 1915, Part III., sec. 12 (12). *Offence:* Any bank taking or accepting a receipt for money paid by the bank, charge-

able against a deposit of money at the credit of the person signing the receipt in which a stamp of the value required by section 12 of the *Special War Revenue Act*, 1915, has not been affixed or impressed. *Prosecution:* Before Exchequer Court of Canada, or court of competent jurisdiction, or if penalty does not exceed $500, on summary conviction. *Penalty:* $100. *Special Provisions:* Evidence. Application of fines. Disposition of penalties. Moieties.

20. *Express Company Issuing Money Order or Cheque without Affixing Stamp.*—The *Special War Revenue Act*, 1915, Part III., sec. 13 (10). *Offence:* Express company issuing a money order or cheque to which the stamp required by section 13 of the *Special War Revenue Act*, 1915, has not been affixed; *or*, failing or neglecting before delivery of the order or cheque to cancel stamp. *Prosecution:* Before Exchequer Court of Canada, or court of competent jurisdiction, or if penalty does not exceed $500, on summary conviction. *Penalty:* $100. *Special Provisions:* Evidence. Application of fines. Recovery of penalties. Moieties.

21. *Foreign Express Company Issuing Money Order or Cheque without Affixing Stamp.*—The *Special War Revenue Act*, 1915, Part III., sec. 13 (11). *Offence:* Express company (incorporated outside Canada), its officers or agent, issuing a money order or cheque to which a stamp required by section 13 of the *Special War Revenue Act*, 1915, has not been affixed; *or*, any officer or agent failing or neglecting to cancel stamp. *Prosecution:* Before Exchequer Court of Canada, or, court of competent jurisdiction, or, if penalty does not exceed $500, on summary conviction. *Penalty:* $100. *Special Provisions:* Application of fines. Recovery of penalties. Evidence, Moieties.

22. *Neglecting to Affix War Stamps on Patent Medicines, &c.*—The *Special War Revenue Act*, 1915, Part III., sec. 17. *Offence:* Any person required by Part III. of the *Special War Revenue Act*, 1915, ch. 46, to affix an adhesive or other stamp to a bottle or package containing: (*a*) a proprietary or patent medicine; (*b*) perfumery; (*c*) wine of the grape non-sparkling; (*d*) champagne or sparkling wine; (*e*) matches or (*f*) playing cards, failing or neglecting to affix an adhesive or other stamp as required by Part III. of said Act, or violating any of the other provisions of section 16A of the said Act. *Prosecution:* Before Exchequer Court of Canada, or court of competent jurisdiction, or where penalty does not exceed $500 on summary conviction. *Penalty:* Min., $50; max., $250. *Special Provisions:* Evidence. Disposition of fines.

23. *Neglecting to Cancel Stamp on Packages of Patent Medicines, Perfumes, and Wines.—Special War Revenue Act,* 1915, Part III., sec. 18. *Offence:* Person failing or neglecting to cancel stamp or bottle or package of patent medicine, perfumery, wine of grape non-sparkling, or champagne as required by the *Special War Revenue Act,* 1915. *Prosecution:* Before Exchequer Court of Canada, or court of competent jurisdiction, or, where penalty does not exceed $500 on summary conviction. *Penalty:* Min., $50; max., $250. *Special Provisions:* Evidence. Application of fines. Recovery of penalties. Moieties.

24. *Neglecting to Pay War Excise Tax. — Special War Revenue Act,* 1915, Part IV., sec. 19D. *Offence:* Any person neglecting or refusing to pay any war excise tax imposed by the *Special War Revenue Act,* 1915, Part IV. *Prosecution:* Before Exchequer Court of Canada, or court of competent jurisdiction, or where penalty does not exceed $500 on summary conviction. *Penalty:* Double amount of war excise tax which should have been paid with a fixed minimum penalty of $100.

(*b*) Business Profit Tax.

25. *Failing to make Returns under Business Profits War Tax Act,* 1916.—*Business Profits War Tax Act,* 1916, sec. 12 (1). *Offence:* Tax payer, and person or persons required to make return under *Business Profits War Tax Act,* 1916, failing to make said returns. *Prosecution:* On summary conviction. *Penalties:* $100 a day during continuance of default.

26. *False Statements in Return under Business Profits War Tax Act,* 1916. — *Business Profits War Tax Act,* 1916, sec. 12 (2). *Offence:* Any person making a false statement in any return, or in any information required by the Minister under the *Business Profits War Tax Act,* 1916. *Prosecution:* On summary conviction. *Penalties:* Fine not exceeding $10,000 or 6 months or both.

(*c*) Charities.

27. *Making Unauthorized Appeals for War Charities.—Statutes: War Charities Act,* 1917, ch. 38, sec. 3. *Offence:* Making an appeal to the public for donations or subscriptions in money or in kind for any war charity as defined by the *War Charities Act,* 1917, or raising or attempting to raise money for any such war charity by promoting any bazaar, sale, entertainment, or exhibition, or by any similar means without the approval

in writing of the executive committee or other governing body of the war charity; such war charity not being one of the class exempted by the Act or registered under its provisions. *Penalty:* Fine not exceeding $500 or to imprisonment with or without hard labour for a term not exceeding three months. *Court:* Summary conviction before one Justice of the Peace. *Special Provisions:* Sec. 10. Consent of Minister (Secretary of State or other Minister charged with enforcement) is required before any proceedings are instituted. Sec. 2 (*b*). War charity is defined as: "Any fund, institution or association, other than a church or the Salvation Army, whether established before or after the commencement of the Act, having for its object or among its objects the relief of suffering or distress, or the supplying of needs or comforts to sufferers from the war, or to soldiers, returned soldiers, or their families or dependents, or any other charitable purpose connected with the present European War." Sec. 2 (*b*). Any question whether a charity is a war charity can be finally determined by the Minister. Sec. 3 (2). Collection at divine service in a place of public worship is excepted. Sec. 4 (1). Applications for registration as a war charity are to be in writing to the local registration authority appointed by the Minister, by warrant. Sec. 4 (4). Registration can be refused if local authority is satisfied:—(*a*) War charity is not established in good faith for charitable purposes or (*b*) that it will not comply with the conditions imposed by this Act; or (*c*) that it will not be properly administered.

28. *False Statements in Registration Application.—Statute: War Charities Act,* 1917, sec. 8. *Offence:* In an application for registration or exemption, or in a notification of change requiring alterations in the registered particulars, did make a false statement or false representation; or falsely represented himself to be an officer or agent of a war charity or failing to send a notification required under the Act to be sent. *Penalty;* Fine not exceeding $500 or to imprisonment with or without hard labour for a term not exceeding three months. *Court:* Summary conviction before one Justice of the Peace. *Special Provisions:* (See *ante,* 27).

29. *Imitating War Charity Buttons.—Statute: War Charities Act,* 1917, sec. 9. *Offence:* Did, being authorized so to do, manufacture, import into Canada, sell, offer for sale, purchase or wear any brassard button emblem, or device or any colourable imitation thereof, where the Governor-in-Council has authorized a war charity to issue or confer the same. *Penalty:* Fine not

exceeding $500 or to imprisonment with or without hard labour, for a term not exceeding three months. *Court:* Summary conviction before one Justice of the Peace. *Special Provisions:* Consent not required before proceedings under this offence and instituted (sec. 10 (2)).

(*d*) TREASON.

30. *Levying War and Committing Acts of Treason.—See* TREASON 3-5.

(*e*) MILITARY SERVICE.

31. *Conscription.—See* MILITARY 1-9.
32. *Militia.—See* MILITARY 10-33.

(*f*) WAR ORDERS-IN-COUNCIL.

33. *Offences under Orders-in-Council.*—[These orders are now practically all repealed owing to the close of the Great War, and the purposes for which they were passed have also really ceased to exist. They have, therefore, been omitted].

Water—

(*a*) INSPECTION OF METERS.

1. *Forging Stamps.—Water Meter Inspection Act,* R. S. C. 1906, ch. 89, sec. 26. *Offence:* Forging or counterfeiting a stamp or mark used with water meter. *Prosecution:* Summary conviction before one or two Justices of the Peace, according to amount of penalty, $20 or under, one Justice of the Peace, over $20, two Justices of the Peace. *Penalty:* Under this section, min., $50; max., $200. *Special Provisions:* All prosecutions to be instituted by inspector. Penalty payable to inspector on behalf of Dominion Government. Limitation of Action, 6 months. Statute comes into force on proclamation.

2. *Uttering Forged Stamps.—Water Meter Inspection Act,* R. S. C. 1906, ch. 89, sec. 26 (2). *Offence:* Uttering meter with forged or counterfeited stamp or mark. *Prosecution:* Summary conviction before one or two Justices of the Peace, according to amount of penalty, $20 or under, one Justice of the Peace, over $20, two Justices of the Peace. *Penalty:* Under this section, min., $20; max., $200. *Special Provisions:* All prosecutions to be instituted by inspector. Penalty payable to inspector on behalf of Dominion Government. Limitation of Action, 6 months. Statute comes into force on proclamation.

3. *Altering Meter or Obstructing Action.—Water Meter Inspection Act,* R. S. C. 1906, ch. 89, sec. 27. *Offence:* Tampering with meter or preventing examination. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* Min., $50; max., $100 and fees for removing and testing and purchase of new meter and fixing same. *Special Provisions:* All prosecutions to be instituted by inspector. Penalty payable to inspector on behalf of Dominion Government. Limitation of Action, 6 months. Statute comes into force on proclamation.

4. *Fixing Unstamped Meter.—Water Meter Inspection Act,* R. S. C. 1906, ch. 89, sec. 28. *Offence:* Fixing for use a meter before it has been stamped and verified. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $25 each such meter. *Special Provisions:* All prosecutions to be instituted by inspector. Limitation of Action, 6 months. Statute comes into force on proclamation.

5. *Neglect of Duty by Inspector.—Water Meter Inspection Act,* R. S. C. 1906, ch. 89, sec. 29. *Offence:* Inspector stamping meter without testing, or neglecting any duty required by him under Act or regulations. *Prosecution:* Summary conviction before one or two Justices of the Peace, according to amount of penalty, $20 or under one Justice of the Peace; over $20, two Justices of the Peace. *Penalty:* Under this section, min., $10; max., $50, and dismissal from office. *Special Provisions:* Limitation of Action, 6 months. Statute comes into force on proclamation.

6. *Testing or Verifying.—Water Meter Inspection Act,* R. S. C. 1906, ch. 89, sec. 30. *Offence:* Person, without authority, testing or verifying meter after it has been fixed for use. *Prosecution:* Summary conviction before two Justices of the Peace. *Penalty:* $25. *Special Provisions:* All prosecutions to be instituted by inspector. Limitation of Action, 6 months. Statute comes into force on proclamation.

7. *Forging or Counterfeiting Certificates.—Water Meter Act,* R. S. C. 1906, ch. 89, sec. 31. *Offence:* Forging or counterfeiting certificates, or any stamp under Act, or uttering same. Guilty of forgery. *Prosecution:* Indictable under Criminal Code. Stealing stamp amounts to theft under Code. *Special Provisions:* Statute comes into force on proclamation.

8. *Failing to Keep Books.—Water Meter Inspection Act,* R. S. C. 1906, ch. 89, sec. 32. *Offence:* Water supplier failing to keep proper books, or refusing to allow same to be inspected. *Prosecution:* Summary conviction before two Justices of the

Peace. *Penalty:* $50. *Special Provisions:* All prosecutions to be commenced by inspector. Limitation of Action, 6 months. Statute comes into force on proclamation.

Weights and Measures--

1. *Unlawful Use.*—The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 60. *Offence:* Using other than Dominion weights or measures. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $20. *Special Provisions:* Lim., 6 months. Moiety.

2. *Avoirdupois Weight.* — The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 61. *Offence:* Selling articles otherwise than by avoirdupois weight. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $25. *Special Provisions:* Limitation of Action, 6 months. Moiety.

3. *False or Unjust Weights.*—The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 62. *Offence:* False or unjust weights. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* 1st offence, min., $10; max., $25; subsequent offence, $50. *Special Provisions:* Weights forfeited. Limitation of Action, 6 months. Moiety.

4. *Fraud by False Weights.*—The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 63. *Offence:* Fraud by use of false weights. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* 1st offence, $25; subsequent offence $50. *Special Provisions:* Weights forfeited. Limitation of Action, 6 months. Moiety.

5. *Making or Selling False Weights.* — The *Weights and Measures Act,* R. S. C. 1906, ch. 62, sec. 64. *Offence:* Making or selling false weights. *Prosecution:* 1st offence, summary conviction before one Justice of the Peace. *Penalty:* Min., $25; max., $50. *Prosecution:* Subsequent offence, summary conviction before two Justices of the Peace. *Penalty:* $100. *Special Provisions:* Limitation of Action, 6 months. Moiety.

6. *Unstamped Weights.*—The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 65. *Offence:* Using unstamped weights. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Min., $5; max., $50. *Special Provisions:* Weights forfeited. Exceptions—Postal scales, weights in manufactory. Limitation of Action, 6 months. Moiety.

7. *Possessing Unlawful Weights.*—The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 66. *Offence:* Trader having unlawful weights in possession. *Prosecution:* Summary con-

viction before one Justice of the Peace. *Penalty:* 1st offence, min., $5; max., $50; subsequent offence, $50. *Special Provisions:* Weights forfeited. Limitation of Action, 6 months. Moiety.

8. *Lead Weights.*—The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 67. *Offence:* Using weights made of lead or pewter, and not cased. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* 1st offence, $25; 2nd offence, $50. *Special Provisions:* Limitation of Action, 6 months. Moiety.

9. *Forgery or Falsifying Weights.*—The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 68. *Offence:* Forging or counterfeiting stamps, or increasing or diminishing weights or measures, or altering or tampering with machine to weigh or measure unjustly. *Prosecution:* 1st offence, summary conviction before one Justice of the Peace. 2nd offence, summary conviction before two Justices of the Peace. *Penalty:* 1st offence, $40; second offence, $100 and two months' imprisonment. *Special Provisions:* Limitation of Action, 6 months. Moiety.

10. *Using Counterfeit Weights.—Statute:* The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 69, as amended, 1919, ch. 75, sec. 8. *Offence:* Any person knowingly using, selling, uttering or exposing for sale any weight, measure or weighing or measuring machine increased, diminished, falsified or tampered with; or wilfully breaking or removing the official seal or mark of rejection from any weight, measure, or weighing or measuring machine, sealed against use for any cause whatsoever, except to repair and adjust the same for presentation for inspection, verification and stamping (sec. 69). *Penalty:* 1st offence, min., $25; max., $50; 2nd and subsequent offences, $100 (sec. 69). *Special Provisions:* Weight, measure, or weighing or measuring machine to be forfeited to H. M. and destroyed or otherwise disposed of as directed by the Minister. (1919, ch. 75, sec. 8).

11. *Dealer Having Weights that Cannot be Verified.—Statute:* The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 70, as amended 1919, ch. 75, sec. 8. *Offence:* Any manufacturer, dealer in or importer of, weights, measures or weighing or measuring machines, having in his possession, or selling, dealing in, or uttering any weight, measure, or weighing of measuring machine except such as can, after adjustment, be

admitted to verification (sec. 70). *Penalty:* 1st offence, $10; 2nd and subsequent offences, $20 (sec. 70). *Special Provisions:* Weights, measures or weighing or measuring machines to be seized and forfeited to H. M. and destroyed or otherwise disposed of as the Minister may direct (sec. 70). (1919, ch. 75, sec. 8).

12. *Using Excessive Number of Weights.*—The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 71. *Offence:* Trader using excessive number of weights. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* 1st offence, $10; subsequent offence, $20. *Special Provisions:* Confiscation of weights. Limitation of Action, 6 months. Moiety.

13. *Milk Measures.*—The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 72. *Offence:* Using measures not inspected and stamped for sale of milk. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* 1st offence, min., $5; max., $50; subsequent offence, $50. Forfeiture of measure. *Special Provisions:* Limitation of Action, 6 months. Moiety.

14. *Obstructing Inspector.*—The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 73. *Offence:* Obstructing weights and measures inspector or assistant inspector in performance of duty. *Prosecution:* Summary conviction before 2 Justices of the Peace. *Penalty:* $100. *Special Provisions:* Limitation of Action, 6 months. Moiety.

15. *Refusing to Produce for Inspection.*—The *Weights and Measures Act,* R.S.C. 1906, ch. 52, sec. 74(*a*). *Offence:* Refusing to produce weights, weighing machine or measures for inspection. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* 1st offence, min., $5; max., $25; subsequent offence, $50. *Special Provisions:* Limitation of Action, 6 months. Moiety.

16. *Refusing to Permit Inspection of Weight Factory.*—The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 74 (*b*). *Offence:* Manufacturer of weights and measures refusing to permit inspection. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* 1st offence, min., $5; max., $25; subsequent offence, $50. *Special Provisions:* Limitation of Action, 6 months. Moiety.

17. *Inspector not Using Standard.* — The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 75. *Offence:* Inspector or inspector's assistant stamping weight or measure without comparison and verification with standard. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $50. *Special Provisions:* Limitation of Action, 6 months. Moiety.

18. *Inspector Verifying Outside District.*—The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 76. *Offence:* Inspector or assistant inspector stamping weights or measures in place outside his division. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $5 each weight. *Special Provision:* Limitation of Action, 6 months. Moiety.

19. *Wrongfully Marking Casks.*—The *Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 77 (*a*). *Offence:* Gauger or other person wrongfully marking cask. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* $10 each cask; subsequent offence, double amount. *Special Provisions:* Limitation of Action, 6 months. Moiety.

20. *Evading Law as to Weighing Bushels of Grain.*—*See* GRAIN 10.

21. *Neglecting to Keep Proper Weights and Measures Aboard Ship.*—*See* SHIPPING 42.

22. *Misstatement of Weight of Grain.*—*See* GRAIN 22.

23. *Using Weights and Measures for Excise Purposes before being Approved.*—*See* INLAND REVENUE 11.

24. *Selling Vegetables by Weight.*—*See* INSPECTION AND SALE 69.

25. *Short Weights, Measure or Count. — Statute: Weights and Measures Act,* R. S. C. 1906, ch. 52, sec. 61A, as added 1919, ch. 75, sec. 7. *Offence:* Any person selling, delivering or causing to be sold or delivered anything by weight, measure or number short of the quantity ordered or purchased (sec. 61A). *Penalty:* Fine not exceeding $25 for the first offence, and not exceeding $100, for every subsequent offence (sec. 61A). *Special Provision:* No proceedings can be taken under the provisions of this section except with the consent of the Minister (sec. 61A). (1919, ch. 75, sec. 7).

Whaling—

1. *Without License.*—*See* FISH AND FISHING 6.

White Phosphorus—

1. *Use Prohibited in Manufacture of Matches. — See* MATCHES 1.

Wilful Damage—

1. *Property.*—*See* MISCHIEF 1; PROPERTY 7, 9.

2. *Piers, Dams, Booms, Saw Logs or Drift Timber.*—*See* PROPERTY 8.

3. *Rails, Points, Signals.*—*See* RAILWAYS 1.

4. *Goods in Transit.—See* RAILWAYS 3.

5. *Riotous Damages.—See* RIOTS 5.

6. *Marine Signals and Buoys.—See* SHIPPING 1.

7. *Telegraph and Telephone Instruments.—See* TELEGRAPHS 7; TELEPHONES 1.

8. *Ships.—See* SHIPPING 64, 83; EXPLOSIVES 3.

9. *Explosives.—See* EXPLOSIVES 1-6.

Wills and Codicils—

1. *Theft.—See* THEFT 14.

Winding-up—

1. *Falsification of Books.—Winding-up Act,* R. S. C. 1906, ch. 144, sec. 139. *Offence:* Destroying, mutilating, altering or falsifying, with intent to defraud, any book, paper, writing or security, register, book of account or document of company. *Prosecution:* Indictable. *Penalty:* Imprisonment, 2 years or less, with or without hard labour.

2. *Contempt of Court.—Winding-up Act,* R. S. C. 1906, ch. 144, secs. 140, 141, and 143. *Offence:* Failing to comply with order under *Winding-up Act,* or refusal on part of officers of company to give information or witnesses to answer questions. *Penalty:* Same as for contempt of Court and punishment as such.

3. *Banking Estate Moneys.—Winding-up Act,* R. S. C. 1906, ch. 144, sec. 142. *Offence:* Failure to deposit in bank, moneys received by liquidator after date of final winding-up, along with sworn statement verifying account. *Prosecution:* Summary conviction before one Justice of the Peace. *Penalty:* Max., $10; min., 10 per cent. of annual interest of sums in hand.

Wireless—

1. *Violating Declaration of Secrecy.*—The *Radiotelegraph Act,* 1913, ch. 43, sec. 6 (2). *Offence:* Person having made the Declaration of Secrecy under the *Radiotelegraph Act,* directly or indirectly divulging to any person except when lawfully authorized or directed so to do, any information which he acquired by virtue of his employment. *Prosecution:* Summary conviction. *Penalty:* $100 fine and imprisonment not exceeding 6 months.

2. *Establishing Wireless Station without Authority.—Radiotelegraph Act,* 1913, ch. 43, sec. 9. *Offence:* Person establishing radiotelegraph station, or installing or working any radiotelegraph apparatus contrary to the provisions of the *Radiotele-*

graph Act, 1913. *Prosecution:* Summary conviction. *Penalty:* $50. Indictable also, penalty $500 and 12 months' imprisonment. Forfeiture of apparatus. *Special Provisions:* Consent of Minister of Naval Service before proceedings can be taken to prosecute under this section.

3. *International Convention Regulations. — Radiotelegraph Act,* 1913, ch. 43, sec. 10. *Offence:* Regulations to carry out and make effective terms of international convention in connection with radiotelegraphy can be made by the Governor-in-Council and penalties prescribed therein. *Prosecution:* Recoverable on summary conviction. *Penalty:* Not to exceed $500 and costs.

4. *Failing to Equip Passenger Vessel with Wireless.—Radiotelegraph Act,* 1913, ch. 43, sec. 4 (2). *Offence:* Owner, master, or other person in charge of any passenger steamer leaving or attempting to leave any Canadian port without being equipped with wireless apparatus provided in section 4 of the *Radiotelegraph* Act, 1913. *Prosecution:* Summary conviction. *Penalty:* $1,000 and costs. Fine and costs to be lien on vessel.

5. *Sending False Messages or Obstructing Communication. —Radiotelegraph Act,* 1913, ch. 43, sec. 7. *Offence:* Person sending or transmitting or causing to be sent or transmitted any false or fraudulent distress signal, message, call or radiogram, of any kind; *or,* without lawful excuse interferes with or obstructs any radio-communication. *Prosecution:* Summary conviction. *Penalty:* $500 and costs or six months' imprisonment.

6. *Regulations Respecting Operation of Wireless Stations.— Radiotelegraph Act,* 1913, ch. 43, sec. 11. *Offence:* Regulations under section 11 respecting operation of wireless stations can be made by the Governor-in-Council and penalties imposed for violation not exceeding $50 and costs or 3 months' imprisonment. *Prosecution:* Recoverable on summary conviction.

Witchcraft—

1. *Pretending to Find Stolen Property by Witchcraft.—See* STOLEN PROPERTY 5.

Witnesses and Jurors—

1. *Bribery and Corruption.—See* BRIBERY AND CORRUPTION 14.

Women and Girls—

1. *Procuring.—See* PROCURING 1-7.
2. *Seduction.—See* SEDUCTION 1-5.
3. *Prostitution.—See* PROSTITUTION 1-3.
4. *Immigrants.—See* IMMIGRATION, 20, 21.

Wood Alcohol—

1. *Selling Wood Alcohol without being Labelled.—See* INLAND REVENUE 57.

Wounding—

1. *Wounding with Intent to Inflict Grievous Bodily Harm or to Resist Apprehension.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 273. *Offence:* Any person with intent to maim, disfigure, or disable any person, or to do some other grievous bodily harm, to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person unlawfully, by any means, wounds or causes any grievous bodily harm to any person, or shoots at any person or by drawing a trigger, or in any other manner attempts to discharge any kind of loaded arms at any person. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

2. *Attempted Strangulation with Intent to Commit Indictable Offence.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 276 (*a*). *Offence:* Any person, with intent thereby to enable himself or any other person to commit, or with intent thereby to assist any other person, in committing any indictable offence, by any means whatsoever attempts to choke, suffocate, or strangle, any other person, or by any means calculated to choke, suffocate or strangle, attempts to render any other person insensible, unconscious or incapable of resistance. *Prosecution:* On indictment. *Penalty:* Life imprisonment and whipping.

3. *Wounding Public Officer.*—The Criminal Code, R. S. C. 1906, ch. 146, sec. 275 (*b*). *Offence:* Any person, wilfully maiming or wounding any public officer engaged in the execution of his duty, or any person acting in aid of such officer. *Prosecution:* On indictment. *Penalty:* 14 years.

4. *Wounding by Explosives.—See* EXPLOSIVES.

5. *Setting Spring Guns and Man Traps.—See* SPRING GUNS AND MAN TRAPS.

6. *Interfering with Signals, Rails, Points, etc.—See* RAILWAYS—[MISCHIEF ON RAILWAYS].

7. *Throwing Wood, Stone, or other thing at Train.—See* RAILWAYS—[MISCHIEF].

8. *Negligence Causing Injury to Passengers.—See* RAILWAYS—[NEGLIGENCE CAUSING INJURY].

9. *Endangering Safety of Passengers.—See* RAILWAYS—[NEGLIGENCE ENDANGERING PASSENGERS].

Wrecks—

1. *Selling Vessel or Wreck without Title.—Statute:* Criminal Code, sec. 429. *Offence:* Any person who, not having lawful title thereto, sells any vessel or wreck found within the limits of Canada. *Prosecution:* On indictment. *Penalty:* 7 years.

2. *Secreting Wreck.—Statute:* Criminal Code, sec. 430(*a*). *Offence:* Any person secreting any wreck, or defaces or obliterates the marks thereon, or uses means to disguise the fact that it is wreck, or in any manner conceals the character thereof or the fact that the same is wreck, from any person entitled to enquire into the same. *Prosecution:* 1, Indictment; 2, summary conviction before two Justices of the Peace. *Penalty:* 1, On indictment, 2 years; 2, on summary conviction, $400 or 6 months, with or without hard labour.

3. *Receiving Wreck.—Statute:* Criminal Code, sec. 430 (*b*). *Offence:* Any person receiving any wreck, knowing the same to be wreck, from any person other than the owner thereof or the receiver of wrecks, and does not within 48 hours inform the receiver thereof. *Prosecution:* 1, Indictment; 2, summary conviction before two Justices of the Peace. *Penalty:* 1, On indictment, 2 years; 2, on summary conviction, $400 or 6 months with or without hard labour.

4. *Disposing of Wreck.—Statute:* Criminal Code, sec. 430 (*c*). *Offence:* Any person offering for sale or otherwise dealing with any wreck, knowing it to be wreck, not having a lawful title to sell or deal with the same. *Prosecution:* 1, Indictment; 2, summary conviction before two Justices of the Peace. *Penalty:* On indictment, 2 years. On summary conviction $400 or 6 months, with or without hard labour.

5. *Keeping Wreck.—Statute:* Criminal Code, sec. 430 (*d*). *Offence:* Any person keeping in his possession any wreck, knowing it to be wreck, without a lawful title so to keep the same for any time longer than the time reasonably necessary for the delivery of the same to the receiver. *Prosecution:* 1, Indictment; 2, summary conviction before two Justices of the Peace. *Penalty:* On indictment, 2 years; 2, on summary conviction, $400 or 6 months with or without hard labour.

6. *Boarding Wrecked Vessel.—Statute:* Criminal Code, sec. 430 (*e*). *Offence:* Any person boarding any vessel, which is wrecked, stranded, or in distress, against the will of the master unless the person so boarding is or acts by command of the receiver. *Prosecution:* 1, Indictment; 2, summary conviction before two Justices of the Peace. *Penalty:* On indictment,

2 years. On summary conviction, $400 or 6 months, with or without hard labour.

7. *Theft of Wreck.—Statute:* Criminal Code, sec. 383. *Offence:* Any person stealing any wreck. *Prosecution:* On indictment. *Penalty:* 7 years.

8. *Wrecking Ship. — Statute:* Criminal Code, sec. 522. *Offence:* Any person wilfully: 1, Casting away or destroying any ship, whether complete or unfinished; 2, doing any act tending to the immediate loss or destruction of any ship in distress; 3, interfering with any marine signal, or exhibiting any false signal, with intent to bring a ship or boat into danger. *Prosecution:* On indictment. *Penalty:* Life imprisonment.

9. *Attempt to Wreck Ship.—Statute:* Criminal Code, sec. 523. *Offence:* Any person attempting to cast away or destroy any ship whether complete or unfinished. *Prosecution:* On indictment. *Penalty:* 14 years.

10. *Obstructing the Saving of Vessel in Distress.—Statute:* Criminal Code, sec. 524 (1). *Offence:* Any person wilfully preventing or inpeding, or endeavouring to prevent or impede, the saving of any vessel, that is wrecked, stranded, abandoned, or in distress, or, any person in his endeavour to save such vessel. *Prosecution:* On indictment. *Penalty:* 7 years.

11. *Obstructing the Salving of Wreck.—Statute:* Criminal Code, sec. 524 (2). *Offence:* Any person wilfully preventing or impeding, or endeavouring to prevent or impede, the saving of any wreck. *Prosecution:* 1, Indictment; 2, summary conviction before two Justices of the Peace. *Penalty:* On indictment, 2 years. On summary conviction before two Justices of the Peace, $400 or 6 months with or without hard labour.

12. *Disobeying Instructions of Receiver of Wreck when in Command at Place of Wreck.—See* SHIPPING 154.

13. *Obstructing Receiver of Wreck in Execution of his Duty. —See* SHIPPING 155.

14. *Preservation of Wreck.—See* SHIPPING 156.

15. *Obstructing Recovery of Wreck.—See* SHIPPING 157.

16. *Failure to Deliver up Wreck to Receiver.—See* SHIPPING 158.

17. *Junk Dealers Handling Wreck Unlawfully.—See* SHIPPING 159.

18. *Failing to Appear and Answer for Possession of Wreck. —See* SHIPPING 160.

19. *Refusing to Attend as Witness at Wreck Inquiry.—See* SHIPPING 161.

20. *Obstructing Wreck Inquiry Officer.—See* SHIPPING 162.

21. *Refusing to Attend Before Court of Inquiry.—See* SHIPPING 163.

22. *Master or other Officer of Ship Failing to Deliver up Certificate to Court.—See* SHIPPING 164.

23. *Impeding Shipwrecked Persons Endeavouring to Save their Lives.—See* SHIPPING 165.

24. *Impeding Persons Trying to Save those who have been Shipwrecked.—See* SHIPPING 166.

25. *Theft of Wreck.—See* THEFT 36.

26. *Being in Possession without Reporting to Customs.—See* CUSTOMS 19.

CHAPTER XI.

WHERE TO FIND YOUR LAW.

ABBREVIATIONS—Code—Criminal Code of Canada, R. S. C. 1906, ch. 146; Crankshaw—Crankshaw's Criminal Code annotated, 4th Edition; Dom. Stat.—Dominion Annual Statutes; pp.—pages; Sec.—Section; R. S. C. 1906—Revised Statutes of Canada, 1906, 4 Volume Edition.

ABANDONMENT—
- Appeal on summary conviction, Code sec. 760.
- Definition (Part vi.), Code sec. 240 (e).
- Vessels in navigable waters, 1909 Dom. Stat. p. 204.
- Children, Code sec. 245.

ABDUCTION—
- Child under 14, Code sec. 316.
- Girl under 16, Code sec. 315.
- Generally, Code secs. 313-316.
- Heiress, Code sec. 314.
- Woman, Code sec. 313.

ABORTION—
- Aiding and abetting, Crankshaw, p. 333.
- Counselling, Crankshaw, p. 333.
- Drugs, Crankshaw, p. 330.
- Definition, Crankshaw, p. 328.
- Proof, Crankshaw, p. 331.
- Supplying means to procure, Code sec. 305.
- Using means to procure, Code secs. 303-4.

ABSENCE—
- Accused during summary conviction trial, Code sec. 718, Crankshaw, p. 842.
- Prosecutor on summary conviction trial, Code sec. 719.

ABSOLUTE JURISDICTION—
- Summary trial of indictable offences, Code secs. 774-6.

ACCIDENTS—
- Civil servants, 1918 Dom. Stat. p. 49.
- Railway, 1919, Dom. Stat. pp. 530, 579.
- Shipping, 1914 Dom. Stat. p. 113.
- Shooting, Crankshaw, p. 287.
- Hunting, Crankshaw, p. 287.

ACTS—
- Definition (Part vii.), Code sec. 335.
- Dangerous, Code sec. 248.

"ACTUS NON FACIT REUM NISI MENS SIT REA"—
- Meaning, Crankshaw, p. 24.

ACCESSORIES—
- Before the fact, Crankshaw, p. 72.
- After the fact, Crankshaw, pp. 72, 643, Code secs. 71, 574-5.

ACCESSORY AFTER THE FACT—..
- Generally, Crankshaw, pp. 72, 643, Code secs. 71, 574, 575.
- Murder, Code sec. 267. Treason, Code sec. 76.

ACCESSORY BEFORE THE FACT—
- Generally, Crankshaw, p. 72, Code sec. 69.

ACCOMPLICES—
- Evidence, Crankshaw, p. 769.

ACETIC ACID—
- Excise Duties, R. S. C., 1906, p. 999.
- Licenses, R. S. C. 1906, p. 999.
- Manufacture, R. S. C. 1906, p. 998.

ACTIONS—
- Limitation of Prosecutions, Code secs. 1140-1142.

ADJOURNMENT—
- Next sessions, Code sec. 901.
- Summary conviction cases, Code sec. 838, Crankshaw, p. 949.
- Upon variance with summons or warrant, Code secs. 670, 679.

ADMINISTRATION—
- Oaths, Crankshaw, p. 13.
- Justice, R. S. C. 1906, p. 273.
- Government of Canada, R. S. C. 1906, p. 19.

ADMIRALTY—
Consents to prosecutions, Code sec. 591.
Definition, (Part vii.), Code sec. 335.
ADMISSIONS—
Trial, Code sec. 978.
Guilt, Code sec. 978.
ADULTERATION—
Act, R. S. C. 1906, p. 2257.
Certificates of analysis, 1914 Dom. Stat., p. 132.
Food, 1915 Dom. Stat., p. 40.
Flavouring Extracts, 1917, Dom. Stat., p. cxxix.
Maple Sugar, 1915, Dom. Stat., p. 39, 1914 Dom. Stat., p. 130.
Tea, 1917 Dom. Stat., p. cxxvi.
ADVERTISEMENTS—
False, Code sec. 406A.
AFFAIRS OF STATE—
Public Discussions, Code sec. 324, Crankshaw, p. 362.
AFFIDAVITS—
Perjury, Code, sec. 172.
AFFRAYS—
Definition, Code sec. 100.
Punishment, Code sec. 100.
AGE—
Proof, Crankshaw, p. 199.
Consent, Code sec. 294.
AGENT—
Definition, Code sec. 335.
Pledging sellers' goods, Code sec. 348.
Theft, Code sec. 355.
AGRICULTURE—
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Damaging machines, Code sec. 510, Crankshaw, p. 602.
Statistics, 1918 Dom. Stat., p. 143.
Threats to burn crops, Code sec. 516.
AIDERS AND ABETTORS—
Summary conviction cases, Code sec. 707 (2).
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Board, 1919 Dom. Stat., p. 31.
Traffic, 1919, Dom. Stat., p. 32, 1915 Dom. Stat., pp. clxxi., clxxiv.
ALBERTA—
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ALCOHOLICS—
Immigrant, 1919, Dom. Stat., p. 93.
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ALIENS—
Jurors, Crankshaw, p. 1021.
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Possessing weapons, Code sec. 118, 1919, Dom. Stat., p. 310.
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Possessing fire arms, 1915, Dom. Stat., p. clxvii.; 1919, Dom. Stat., p. 310.
Parole undertaking, 1915, Dom. Stat., pp. lxvi., clxxxiv.
Reporting to Police, 1917, Dom. Stat., p. lxxvii.
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Sending money home, 1915, Dom. Stat., p. clxxxii.
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Trespassing on railway, 1919, Dom. Stat., p. 527.
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White phosphorus match prosecutions, 1914 Dom. Stat., p. 111.
VINEGAR—
Adulteration, 1914 Dom. Stat., p. xlix.
Standard of quality, 1914 Dom. Stat., p. xlix.
VITAL STATISTICS—
Dominion Records, 1918 Dom. Stat., p. 139.
WAR—
Date of commencement fixed by law, 1915 Dom. Stat., p. 6.
War Measures Act, 1915 Dom. Stat., p. 5.
WAREHOUSE RECEIPTS—
False, Code sec. 425.
WARRANTS—
Arrest: Absconding witness, Code sec. 693; contents, Code sec. 660; execution, Code sec. 661; endorsement, Code sec. 662; form, Code sec. 659; person on bail, Code sec. 703; persons indicted at large, Code sec. 880; persons on suspended sentence, Code sec. 1083; issuing, Code sec. 653; summary conviction cases, Code secs. 711, 712; witness, Code secs. 673, 675, 677, 713, 842; witness out of jurisdiction, Code sec. 713.
Backing: Summary conviction warrants, Code sec. 712.
Commitment: For trial, Code sec. 690.
Distress: Summary conviction cases, Code secs. 741-747.
High sea offences, Code sec. 656.
Search warrants, Code sec. 630.
WATCH—
Definition, Code sec. 335.
Marks on watchcases, Code sec. 336.
WATCHING AND BESETTING—
Workmen, Code sec. 501.
Ships, Code sec. 503.
WATER—
Breach of contract to supply water, Code sec. 499 (2).
Carriage of goods by water, 1910 Dom. Stat., p. 435.
Diversion of water, 1919 Dom. Stat., p. 9.
Power, 1919 Dom. Stat., p. 63.
Navigable waters protection, 1918 Dom. Stat., pp. 115, 125.
WEAPONS—
Alien enemies possessing, 1915 Dom. Stat., p. clxvii.; Code sec. 118; 1919 Dom. Stat., p. 310.
Immigrants carrying weapons, 1919 Dom. Stat., p. 99.
Trafficking in, Code sec. 118; 1915 Dom. Stat., p. ccxxxiv.
Proclaimed areas, Code sec. 609.
Impounding, Code sec. 622.
Dominion Parks, 1915 Dom. Stat, p. ccxxxiv.
Persons authorized by law to carry weapons, 1919 Dom. Stat., p. 310.
WEIGHTS AND MEASURES—
Act, R. S. C. 1906, p. 1001
Counterfeit, 1919 Dom. Stat., p. 673.
Bullion, 1913 Dom. Stat., p. lxv.
Automatic belt conveyors, 1913 Dom. Stat., p. lxii.
Coal weighing machines, 1913 Dom. Stat., p. lxii.
Standards: Bushel, 1914 Dom. Stat., p. 232.
Bag, 1914 Dom. Stat., p. 232.
Generally, R. S. C. 1906, p. 1001.
Casks, R. S. C. 1906, p. 1007.
Vegetables sold under weight, 1914 Dom. Stat., p. 233.
Shortweight, 1919 Dom. Stat., p. 673.
Metric standards, 1914 Dom. Stat., p. 59.
Threshing grain, R. S. C. 1906, p. 1007.
WHALEFISHING—
Regulations, 1914 Dom. Stat., pp. 80, 93; R. S. C. 1906, p. 716.
WHARVES—
Stealing from, Code sec. 382.
WHIPPING—
Sentence, Code sec. 1060.
Female, Code sec. 1060.
WIFE—
Neglect to provide, Code secs. 242, 242A.
Beating wife, Code sec. 292.
WILD ANIMALS—
Theft of, Code sec. 345.

WILL—
Obtaining property by forged will, Code sec. 478.
Indians' wills, 1918 Dom. Stat., p. 83.
WILFULLY—
Meaning of word, Code sec. 509.
WINDOWS—
Breaking, Code sec. 238 (h).
WINE—
Manufacture, 1916 Dom. Stat., p. 80.
WIRELESS—
Apparatus, 1919 Dom. Stat., p. cxxix.; 1913 Dom. Stat., p. 385.
Administration, 1915 Dom. Stat., p. ccxxxvi.; Can. Gaz., vol. xlvii., p. 4355.
Censorship, 1919 Dom. Stat., p. lxvi.
Equipment on ships, 1913 Dom. Stat., p. 385.
Examinations, 1917 Dom. Stat., p. clxx.
Illegal stations, 1913 Dom. Stat., p. 387.
Operators, 1913 Dom. Stat., p. 387.
Obstructing communications, 1913 Dom. Stat., p. 387.
Stations, 1919 Dom. Stat., p. xciii.; 1913 Dom. Stat., p. 385.
Ships using wireless in harbours, 1917 Dom. Stat., pp. clxxi.; clxxiii.
Secrecy, 1913 Dom. Stat., p. 389.
Transmission of messages, 1913 Dom. Stat., p. 386; 1919 Dom. Stat., p. lxvi.
WITCHCRAFT—
Pretending to use, Code sec. 443.
WITNESSES—
Attendance, Code secs. 671-677; 788, 840, 842, 922-7.
Absconding, Code sec. 693.
Arrest, Code secs. 673-5, 677, 842.
Affirmation, R. S. C. 1906, p. 2410.
Adverse, R. S. C. 1906, p. 2408.
Binding over, Code sec. 692.
Beyond province, Code secs. 676, 677, 713, 974.
Committed instead of bound over, Code sec. 694.
Competency, R. S. C. 1906, p. 2407.
Cross-examination, R. S. C. 1906, p. 2409.
Child, R. S. C. 1906, p. 2410.
Commitment for contempt, Code sec. 678.
Defaulting, Code secs. 674, 677, 842.
Defence, Code sec. 686.
Definition, Code sec. 171.
Expert, R. S. C. 1906, p. 2408.
Excluding, Crankshaw, p. 758.
Foreign, Crankshaw, p. 757.
Fees, Code sec. 770.
Grand Jury, Code secs. 874-8.
Husband and wife, R. S. C. 1906, p. 2407.
Ill, Code sec. 995.
Incompetent, R. S. C. 1906, p. 2407.
Indians, 1918 Dom. Stat., p. 83.
Mute, Crankshaw, p. 757.
Magistrate, Crankshaw, p. 839.
Number allowed, Crankshaw, p. 758.
Oath, R. S. C. 1906, p. 2410.
Prisoners, Code sec. 977.
Previously convicted, R. S. C. 1906, p. 2409.
Railway Board, 1919 Dom. Stat., p. 449.
Refusing to be examined, Code sec. 678.
Summons, Code sec. 671.
Speedy trial, Code secs. 840-2.
Summary trial, Code sec. 788.
Trial, Code secs. 971-977.
Warrant, Code secs. 673, 675, 842, 973.
WOMEN—
Definition, Crankshaw, p. 321.
Franchise, 1918 Dom. Stat., p. 69.
Electors, 1918 Dom. Stat., p. 69.
Abduction, Code secs. 313-6.
WOOD ALCOHOL—
Sale of, 1908 Dom. Stat., p. 367.
Labels on bottles, 1908 Dom. Stat., p. 367.
WORDS—
Meanings explained, Code sec. 2; R. S. C. 1906, pp. 9-12.
WORKMEN—
Watching and besetting, Code sec. 501.
Intimidation, Code secs. 501, 502.
WOUNDING—
Classified wounds, Crankshaw, pp. 296-7.
Kinds of, Crankshaw, pp 296-7.
Public officer on duty, Code sec. 275.
With intent, Code secs. 273, 289.
Punishment, Code sec. 274.

WRECK—
Attempts, Code sec. 523.
Definition, Code sec. 2 (41).
Having in possession, Code sec. 430.
Boarding, Code sec. 430.
Mischief to, Code sec. 510.
Offering for sale, Code sec. 430.
Preventing escape from, Code sec. 524.
Registration of wrecked ships, 1913 Dom. Stat., p. 407.
Receiving, Code sec. 430.
Secreting, Code sec. 430.
Stealing, Code sec. 383.
Selling, Code sec. 429.
WRITS—
Misconduct in execution, Code sec. 166.
WRITING—
Definition, Code sec. 2 (42); R. S. C. 1906, p. 12.
Secret, 1917 Dom. Stat., p. ci.
Invisible, 1917 Dom. Stat., p. ci.
YUKON—
Council, 1918 Dom. Stat., p. 175.
Coal mining regulations, 1918 Dom. Stat., p. xcv.
Hay and grazing, 1917 Dom. stat., p. cxlix.
Placer mining, 1919 Dom. Stat., p. 25.
Timber, 1917 Dom. Stat., p. cxxxix.
ZINC—
Bounties, 1918 Dom. Stat., p. 177; 1916 Dom. Stat., p. 127.

CHAPTER XII.

CRIMINAL FORMS.

[In Alphabetical Order.]

Address Following Evidence—

(*a*) *Preliminary Hearing.*

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. You must clearly understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been held out to you to induce you to make any admission or confession of guilt, but whatever you now say may be given in evidence against you upon your trial, notwithstanding such promise or threat. [Statement of accused]

(*b*) *Summary Conviction Case.*

Having heard the evidence, have you anything further to say?

(*c*) *Summary Trial of Indictable Offence.*

Having heard the evidence, have you anything further to say?

Adjudication—

(*a*) *Dismissal.*

I dismiss the case (with) (without) costs (if any).

(*b*) *Conviction.*

I find you guilty of the (charge) charged against you, and sentence you to (fine or imprisonment, etc.) , and to pay (complainant) his costs, and in default, etc.

(*c*) *Suspended Sentence.*

I find you guilty of , but I will suspend sentence upon you, for months. You will enter into a recognizance with sureties to appear and receive judgment when called upon, and in the meantime you must keep the peace and be of good behaviour.

(*d*) *Committal for Trial.*

I think the evidence is sufficient to put you upon your trial, and I therefore commit you for trial at the next Court of competent criminal jurisdiction in and for this district.

(*e*) *Remand for Trial.*

I think the evidence is sufficient to put you upon your trial, but it does not furnish such a strong presumption of guilt as to warrant your committal. I therefore remand you for trial at the next Court of competent criminal jurisdiction in and for this district.

Affidavits—

(*a*) *Affidavit.*

In the High Court of Justice, etc.:

The King
v.

I, of in the Province (county) of (occupation) make oath and say:—

1. That I am the above named defendant (*or* as the case may be).

2. That the paper writing shewn to me and marked exhibit "A," "B," "C," "D," etc., is a true copy of .

. That (state facts within deponent's own knowledge) .

Sworn before me at in the said province this day of A.D. 19 . } *Deponent.*

J. P., etc.

(*b*) *Exhibit.*

This is Exhibit "A," referred to in the affidavit of sworn before me this day of , A.D. 19 .

(Sgd.)

J. P., etc.

(*c*) *Oath*

Is that your name and handwriting? You swear that the contents of this your affidavit are true. So help you God.

Appeal (Summary conviction)—

(*a*) *Notice of Appeal.*—No special form is stipulated. It should be in writing and filed and served in accordance with sec. 750 of the Criminal Code of Canada.

(*b*) *Recognizance on Appeal.*—Criminal Code, form 51 (sec. 750).

(*c*) *Return of Conviction.*—(Sec. 757).

CANADA,
PROVINCE OF ,
COUNTY OF . } *The King*
v.

To the Clerk of the Peace (Court).
for

In pursuance of sec. 757 of the Criminal Code of Canada, I herewith return to this honourable Court the conviction (order) herein appealed against, together with (other papers), and $ the fine herein and costs, collected by me, and $ for the costs of the appeal.

Dated, etc.

(Sgd.)

J. P., etc.

(*d*) *Certificate of Clerk of Peace as to Results of Appeal.*—Criminal Code, form 52 (sec. 759). Adapt to suit circumstances.

(*e*) *Return of Papers to Magistrate on Conviction Being Confirmed.*—(Sec. 757 (4)).

CANADA,
PROVINCE OF
COUNTY OF

The King
v.

To

Justice of the Peace, etc.:

In pursuance of sec. 757 of the Criminal Code of Canada, I herewith remit to you the conviction (order), and all other papers and money as follows: Sent by you to this Honourable Court (excepting the notice of appeal and recognizance), together with certificate of the result of the appeal taken from your said conviction (order), and I hereby direct you to proceed upon the same as directed by Part XV. of the Criminal Code of Canada, in such case made and provided.

Dated, etc.

(Sgd.)

Clerk of Peace (Court).

(*f*) *Distress for Appeal Costs Unpaid.* — Criminal Code, form 53 (sec. 759).

(*g*) *Commitment in Default of Distress for Appeal Costs.*—Criminal Code, form 54 (sec. 759).

Arrest—

(*a*) *Warrant to Apprehend Accused in First Instance.*—Criminal Code, form 6 (sec. 659).

(*b*) *Warrant to Apprehend Accused after Disobeying Summons.*—Criminal Code, form 7 (sec. 660).

(*c*) *Warrant to Apprehend Witnesses in First Instance.*—Criminal Code, form 14 (sec. 675).

(*d*) *Warrant to Apprehend Witness Disobeying Summons.*—Criminal Code, form 12 (sec. 673).

(*e*) *Warrant for Witness Disobeying Subpœna.*—Criminal Code, form 15 (sec. 677).

(*f*) *Endorsed Warrants.*—Criminal Code, form 8 (sec. 662).

(*g*) *Bench Warrant.*—Criminal Code, form 65 (sec. 879).

(*h*) *Prisoner at Large.*—Criminal Code, form 66 (sec. 880).

(*i*) *Witness Beyond Province.*—Criminal Code, form 15 (sec. 677).

(*j*) *Witness not Appearing at Superior Court.*—Criminal Code, form 62 (sec. 842).

Bail after Arrest—

(*a*) *Application.*—Criminal Code, sec. 681 (indictable offences), sec. 722 (4) (summary convictions).

(*b*) *Recognizance.*—Criminal Code, form 18 (sec. 681, 722 (4)).

(*c*) *Warrant of Deliverance.*

DELIVERANCE ON BAIL.

CANADA,
PROVINCE OF
COUNTY OF

His Majesty the King
v.

To
Jailer at

Whereas, A.B., late of has before me (us) a Justice of the Peace in and for the said , entered into his own recognizance, and found sufficient sureties for his appearance at on the day of A.D. 19 , to answer to a charge of for which he was taken and committed to your jail.

These are therefore, to command you, in His Majesty's name, that if the said A.B. remains in your custody in the said jail for the said cause, and for no other, you shall forthwith suffer him to go at large.

Given under my (our) hand and seal this day of A.D. 19 , at in the said province.

(Sgd.)
P. M., J. P., etc., in and for .

Certificates—

(*a*) *Dismissal on Summary Trial.*—Criminal Code, form 57 (sec. 799), form 58 (sec. 813).

(*b*) *Medical Examination.*

MEDICAL CERTIFICATE.

CANADA,
PROVINCE OF
COUNTY OF

I, of , in the province (county) of , being a duly qualified medical practitioner in actual practise in the Province of , do hereby certify, that I have this day examined , and I do certify that the said is (here insert condition).

Dated, etc.

(Sgd.)
Medical Practitioner.

Certiorari—

(*a*) *Notice of Application.*—Crankshaw, 1915 ed., p. 1177.

(*b*) *Affidavit of Service of Notice.*—Crankshaw, 1915 ed., p. 1178.

(*c*) *Motion.*—Crankshaw, 1915, p. 1178.

(*d*) *Affidavit Verifying Conviction, &c.*—Crankshaw, 1915 ed., p. 1179.

(*e*) *Affidavit of Defendant as to Facts.*—Crankshaw, 1915 ed., p. 1179.

(*f*) *Order.*—Crankshaw, 1915 ed., p. 1179, 1186.

(*g*) *Recognizance.*—Crankshaw, 1915 ed., p. 1181.

(*h*) *Return.*—Crankshaw, 1915 ed., p. 1181.

(*i*) *Notice of Objections to Certiorari Proceedings.*—Crankshaw, 1915 ed., p. 1181.

(*j*) *Notice of Motion to Supersede Writ.*—Crankshaw, 1915 ed., p. 1182.

(*k*) *Affidavit Supporting Motion to Supersede.*—Crankshaw, 1915 ed., p. 1182.

Charging Accused—

(*a*) *Preliminary Hearing.*

You are charged that you the said (accused) on or about the day of 19 , at , did (here state offence) .

(*b*) *Summary Conviction Case.*

You are charged that you the said on or about the day of 19 , at did (here state offence). How say you are you "guilty" or "not guilty? Are you ready to proceed with your trial?"

(*c*) *Summary Trial of Indictable Offence.*

You are charged that you the said (accused) on or about the day of , 19 , at did (here state offence) .

1. *Where there is AN option.*

On this charge (naming it) you have the option to be forthwith tried by me without the intervention of a jury, or, on the other hand, you can remain in custody or under bail, as the court decides, to await your trial in the ordinary way (by Judge and jury), at the next Court of competent criminal jurisdiction. How say you? Do you consent to this charge being tried and disposed of by me (us) summarily, or do you desire otherwise?

And 2. *Where Accused Consents to Summary Trial.*

You have consented to be tried by me (us) summarily. You are charged with (here repeat charge as reduced) . How say you in answer to this charge? Are you "guilty," or "not guilty?" Are you ready to proceed with your trial?

3. *Where there is NO Option.*—(Secs. 774, 775, 776).

You are charged with . How say you? Are you guilty or not guilty?

Committal Warrants—

(*a*) *For trial,* after preliminary hearing.—Criminal Code, form 22 (sec. 690).

(*b*) *In default of Sureties to Keep the Peace.*—Criminal Code, form 50 (sec. 748).

(*c*) *For Want of Distress,* in summary matters.—Criminal Code, form 44 (penalty) (sec. 741); form 46 (costs) (sec. 742).

(*d*) *For default in Payment of Fine.*—Criminal Code, form 41 (sec. 741).

(*e*) *For Refusing to be Sworn as Witness.*—Criminal Code, form 16 (sec. 678).

(*f*) *For Contempt of Court.*—Criminal Code, sec. 608, adapt form 16 of Criminal Code.

(*g*) *For Non-payment of Appeal Costs,* and insufficient distress, therefor.—Criminal Code, sec. 759 (form 54).

(*h*) *After Arrest on Bench Warrant.*—Criminal Code, form 67 (sec. 881).

(*i*) *On Remand in Custody,* while awaiting preliminary hearing.—Code form 17 (sec. 679).

(*j*) *Witness Failing to Enter into Recognizance to Give Evidence.*—Criminal Code, form 26 (sec. 694).

(*k*) *Extradition.*—See *Extradition Act.*

(*l*) *Insane Person.*—See *Insane Person Act.*

Crime Reports—

(*a*) *Summary Conviction Case.*

CRIME REPORT.

Police.

" " Division. (Place.)
Division File No. (Date.)

Re (name) , (crime) .

P.C.R.
././. On January 7th, 1920, Mr. A.B., of , laid information
././. and complaint before C.D., Esq., J.P., against one E.F., on a
././. charge of (offence) contrary to sec. of the Criminal
././. Code. Summons issued for defendant and for (wit-
././. nesses).

On , 1920, a summons was served on ,
at and on at , etc.

On , 1920, the defendant appeared before ,
Esq., J. P., charge was read to the defendant, and he pleaded "guilty" (*or* as the case may be), and was fined $15 and costs. Fine and costs paid. Case concluded.

(Sgd.)
Constable, Reg. No. .

Police Costs:
Attending Court .....$
Serving summons .....

Total . . ..$

To
Superintendent.
Police, at .
Forwarded for your information.
Date, etc.

(Sgd.)
Inspector Commanding " " Division.

(*b*) *Preliminary Hearing.*

CRIME REPORT.

Police.

Division. Detachment.
Division File No. . (Date.)

Re
Charge

P.C.R. On December 10th, 1919, A.B., of who is
././.19 . called at this detachment and reported that (give par-
././.19 . ticulars of complaint).
././.19 . On , 1919, I proceeded to to investi-
././.19 . gate the complaint:—

On , 1920, A.B., appeared before C.D., Esq., J. P., and laid information and complaint against E.F. for . Warrant for arrest of E.F. was issued and handed to me to be executed.

On , 1920, I arrested E.F. at and brought him before C.D., Esq., J. P., on the day of , 19 , at o'clock, and thereupon the said E.F. was remanded (*or* as the case may be) until at .

On , 1920, the said E.F. appeared before C.D., Esq., J. P., for preliminary hearing. The evidence was as [Give short particulars of important points.]

The accused E.F. was committed (*or* as the case may be), to stand his trial at the next Court of competent criminal jurisdiction at .

G.H., of , etc.
I.J., of , etc.

(Sgd.)

To *Constable, Reg. No.*
Superintendent.
Police, at .
Forwarded for your information.
Date, etc.

(Sgd.)
Inspector Commanding " " Division.

Criminal Identification—

(*a*) *Bertillion.*

PRISONER'S DESCRIPTION.

Prison Register No. ..... Name ..... Alias ..... How discharged	[Photograph to be pasted here].
Date and place of birth .... Height (without shoes) ..... Weight ..... Complexion ..... Hair ..... Eyes ..... Trade or occupation ..... Remarks	Distinctive marks and peculiarities.
Date and place of conviction .... Crime	Prison ..... Term of sentence .....

OTHER CONVICTIONS.

Date.	Place and Court.	Offence.	Sentence.	Full Name.

Warden. Prison.

Date

(*b*) *Finger Print.*—Use Canadian Criminal Identification Bureau forms to be obtained from Chief R. C. M. P., Ottawa, Canada, or from the Bureau, Ottawa.

Distress—

(*a*) *Warrants.*—1. *After Conviction for Penalty.* Criminal Code, form 39 (sec. 741). 2. *After Order for Money.* Criminal Code, form 40 (sec. 741). 3. *Return to Warrant.* Criminal Code, form 43 (sec. 741). 4. *Costs on Dismissal.* Criminal Code, form 45 (sec. 742). 5. *Backed Warrants.* Criminal Code, form 47 (sec. 743). 6. *Costs on Appeal.* Criminal Code, form 53 (sec. 759).

(*b*) *Inventory.*

INVENTORY.

CANADA,
PROVINCE OF
COUNTY OF

The King
v.

An inventory of the goods and chattels of by me this day seized and distrained at in the said Province of , by virtue of a distress warrant issued by , a Justice of the Peace in and for the province (county) of , dated the day of , 19 , under a conviction (or order), made by the said as such Justice on the day of , 19 .: That is to say:—

[Insert list.]

Dated this day of A.D. 19 .

Constable in and for

(*c*) *Appraisement.*

APPRAISEMENT.

CANADA,
PROVINCE OF
COUNTY OF

The King
v.

We, of and of , having at the request of a constable of the province (county) of , examined the goods and chattels mentioned in the annexed inventory, do appraise the same at the sum of $.

Witness, our hands this day of A.D. 19 .

(Sgd.)
(Sgd.)
Appraisers.

(*d*) *Notice of Sale.*

NOTICE OF SALE.

CANADA,
PROVINCE OF
COUNTY OF

The King
v.

To (person upon whose goods distress is levied).

By virtue of a distress warrant issued by , a Justice of the Peace, etc., under a conviction (or order), made by the said Justice against you the said . I have distrained of the goods and chattels of you the said the following to wit:—

[Insert list.]

All of which goods and chattels will be sold by public auction at on the day of A.D. 19 , at the hour of o'clock in the noon; unless the moneys to be levied under the said distress warrant, with the costs of executing the same, amounting in all to $, are sooner paid.

Dated, etc.

(Sgd.)
Constable, etc.

Dying Declaration—

CANADA,
PROVINCE OF
COUNTY OF

I, of , entertaining no hope of recovery from my present illness and conscious that my death is imminent, I do solemnly and sincerely declare that (here insert very words used) .

Taken before me at this day of A.D. 19 .
(Sgd.)

A Justice of the Peace, etc.

(Sgd.)
Declarant.

Endorsements—

(*a*) *Search Warrants.*—Criminal Code, form 2A (sec. 629A).

(*b*) *Warrants of Arrest.*—Criminal Code, form 8 (sec. 662).

(*c*) *Forfeited Recognizance.*—Criminal Code, form 73 (sec. 1097).

(*d*) *Distress Warrants.*—Criminal Code, form 43 (sec. 741).

(*e*) *Backed Warrants.*—Criminal Code, form 8 (sec. 662).

(*f*) *Service of Summons.*—Criminal Code, form (sec. 658).

(*g*) *Execution of Warrant.*—Criminal Code, form (secs. 661, 771).

Evidence—

(*a*) *Deposition.*

DEPOSITION OF WITNESS.

CANADA,
PROVINCE OF ,
COUNTY OF . } The King
v.

The deposition of A.B., of , taken before the undersigned, a Justice of the Peace in and for the province (county) of this day of A.D. 19 , at in the presence or hearing (*or* after notice to) C.D., who stands charged that .

The said deponent A.B., saith on his oath (affirmation) as follows:—

(Insert evidence).

(Sgd.) *A.B., deponent.*

The deposition of A.B., of , in the Province of , written on the several sheets of paper, to the last of which my signature is annexed, were taken in the presence and hearing of C.D., and signed by the said A.B., in his presence.

In witness whereof, I have in the presence of the said C.D. signed my name.

(Sgd.) . .*J.S.*,
J. P. in and for .

(*b*) *Stenographers' Certificate on Transcript.*

AFFIDAVIT OF STENOGRAPHER.

CANADA,
PROVINCE OF ,
COUNTY OF . } *The King*
v.

I, of , in the Province of , stenographer, make oath and say:

1. That I am the stenographer appointed by one of His Majesty's Justices of the Peace in and for the said province (county), to report the evidence in this case.

2. That the transcript of evidence hereunto annexed, signed by the said , Justice of the Peace, is a true report of the evidence, taken in this case before the said , Justice of the Peace, and taken down by me as such stenographer as aforesaid.

Sworn before me at in the said province this day of A.D. 19 . } *Stenographer.*

J. P., etc.

Formal Conviction—

(*a*) *Conviction for Penalty, with Distress in Default.*—Criminal Code, form 31 (sec. 727).

(*b*) *Conviction for Penalty, without Distress.*—Criminal Code, form 32 (sec. 727).

(*c*) *Conviction with Imprisonment in First Instance.*—Criminal Code, form 33 (sec. 727).

(*d*) *Conviction for Contempt of Court.*—Criminal Code, form 16 (adapt), and see Crankshaw's form of commitment, Crankshaw, 1915 ed., p. 672.

(*e*) *Summary Trial of an Indictable Offence.*—Criminal Code, form 60 (plea of "guilty") sec. 827, form 61 (plea of "not guilty,") sec. 833.

Habeas Corpus—

(*a*) *Notice of Application.*—Crankshaw, 1915 ed., p. 1183.

(*b*) *Petition.*—Crankshaw, 1915 ed., p. 1183.

(*c*) *Affidavit in Support.*—Crankshaw, 1915 ed., p. 1184.

(*d*) *Order.*—Crankshaw, 1915 ed., p. 1184.

(*e*) *Writ.*—Crankshaw, 1915 ed., p. 1184.

(*f*) *Return.*—Crankshaw, 1915 ed., p. 1185.

(*g*) *Notice of Motion for Discharge.*—Crankshaw, 1915 ed., p. 1185.

(*h*) *Order for Discharge.*—Crankshaw, 1915 ed., p. 1185.

Informations and Complaints—

(*a*). *Information for Indictable Offence.*—Criminal Code, form 3 (sec. 654).

(*b*) *Information for Search Warrant.*—Criminal Code, form 1 (sec. 629).

(*c*) *Complaint by Party Threatened.*—Criminal Code, form 48 (sec. 748).

(*d*) *Other Cases.* Use following:—

INFORMATION AND COMPLAINT.

CANADA,
PROVINCE OF
COUNTY OF } The King on the Complaint of
v.

The information and complaint of taken this day of A.D. 19 , before the undersigned, one of His Majesty's Justices of the Peace in and for , who saith that, he verily believes that of on or about the day of A.D.

19 . at or near, in the said county (province) unlawfully did (here state offence) , contrary to (here state statute and section) .

(Sgd.) (Informant).

Sworn, before me the day and year first above mentioned at in the said province (County).

(Sgd.)

A Justice of the Peace, etc.

Jailer's Receipt—

Receipt for Prisoner.

I hereby certify that I have received from W.T., constable of the body of A.B., together with a warrant under the hand and seal of J.S., Esq., Justice of the Peace, for the province (county) of and certain prisoner's property, as per list attached, and that the said A.B., was sober (*or* as the case may be), at the time he was delivered into my custody.

(Sgd.)

Jailer at

List of Prisoner's Property.

One knife (2 blades), , etc.

Minute of Conviction—

(*a*) *Fine* (*imprisonment in default*).

Accused found guilty of adjudged to forfeit and pay a fine of $, together with costs $, and in default of payment forthwith after conviction, to be imprisoned for (days), (months), (with) (without) hard labour, unless the said several sums, and the costs and charges, of the commitment and of conveying accused to gaol are sooner paid.

Dated 19 . (Sgd.)

J. P., etc.

(*b*) *Fine* (*with distress in default*).

Accused found guilty of . Adjudged to forfeit and pay a fine of $ together with costs $, and in default of payment forthwith after conviction, the same to be levied by distress and sale of the goods and chattels of , and in default of sufficient distress, to be imprisoned for (months), (days), (with) or (without) hard labour, unless the said several sums and all costs and charges of the said distress, and of commitment and conveyance to gaol are sooner paid.

Dated 19 . (Sgd.)

J. P., etc.

(*c*) *Imprisonment* (*in first instance*).

Accused found guilty of . Sentenced to months imprisonment (with) or (without) hard labour.

Dated 19 . (Sgd.)

J. P., etc.

Notice of Hearing—

(*a*) *Prosecutor.* (Summary conviction).

NOTICE TO PROSECUTOR.

CANADA,
PROVINCE OF
COUNTY OF } The King upon the Information of
v.

You, the above named informant or prosecutor, are required to take notice that the hearing of the case above mentioned before the undersigned will take place, at in the said province, at the hour of o'clock in the noon on the day of 19 .

And in default of your appearing either personally or by your solicitor or agent at the time and place aforesaid, the case may be dismissed with costs against you or may be proceeded with in your absence.

Dated this day of , 19 .

J. P., etc.

To ,
of prosecutor as the case of Rex v. .

(*b*) *Corporation.* (Summary trial).

NOTICE TO CORPORATION.

CANADA,
PROVINCE OF
COUNTY OF } The King
v.
Corporation.

Take notice that upon the information of A.B., of , a summons was on the day of 19 , duly issued by a Justice of the Peace in and for , against the above named corporation, requiring the said corporation to appear before aforesaid on the day of , 19 , at in the said province at the hour of o'clock, noon to answer the charge that (offence) .

And take notice that unless the said corporation, appears before me at the said time and place and pleads to the said charge I shall proceed with the summary trial thereof as if the said corporation had duly appeared.

Dated, etc.

(Sgd.)
J. P., etc.

To the Chief Officer of
The Corporation.

(*c*) *Defendant.*—Criminal Code, form 5, summons to defendant (sec. 658). Adapt to suit circumstances.

Offences—

(*a*) *First Offences.*—See Criminal Code, form 64.

(*b*) *Second Offences.*

SECOND OFFENCE.

The said offence being a second offence, he the said (defendant) having previously, to wit, on the day of A.D. 19 , before J.P., at , in the said province (county), been convicted for (state particulars of first offence) .

(*c*) *Criminal Code Offences.*—Criminal Code, form 64, adapt to suit circumstances.

(*d*) *Summary Conviction.*—Follow wording of section, constituting the offence.

(*e*) *Summary Trial under Sec. 773.*—Follow wording of offence as set out in Section 773 of Criminal Code.

(*f*) *Summary Trial under Sec. 777.*—Follow form of charge as on indictment.

Receipt for Prisoner—

(*a*) *Jailer's Receipt.*

RECEIPT FOR PRISONER.

I hereby certify that I have received from W.T., constable of the body of A.B., together with a warrant under the hand and seal of J.S., Esq., Justice of the Peace for the province (county) of and that the said A.B. was sober (*or as the case may be*), at the time he was delivered into my custody.

(Sgd.)
Jailer at .

(*b*) *Magistrate's Receipt under Code sec. 666.*

RECEIPT FOR PRISONER.

CANADA,
PROVINCE OF
COUNTY OF } His Majesty the King v.

I a Justice of the Peace in and for the , hereby certify, that W.T., a constable or peace officer for has, on the day of 19 , by virtue and in obedience of a warrant of J.S., Esq., a Justice of the Peace in and for , produced before me, one A.B., charged before the said J.S., with having (here state offence) , and delivered him into the custody of by my direction to answer to the said charge, and further to be dealt with according to law, and has also delivered unto me the said warrant together with the information (if any) in that behalf, and the depositions of in the said warrant mentioned, and that he has also proved to me, upon oath the handwriting of the said J.S. subscribed to same.

Dated, etc.

(Sgd.)
J. P. in and for .

Recognizances—

(*a*) *Recognizances.*—1. *Keep Peace.* Criminal Code, sec. 748, and 1058. Adapt form 49. 2. *Appeal on Summary Conviction.* Criminal Code, form 51 (sec. 750). 3. *Prosecute a Case.* Criminal Code, form 23 (sec. 692). 4. *Give Evidence.* Criminal Code, form 25 (sec. 692). 5. *Binding over to Prosecute after Dismissal.* Criminal Code, form 21 (sec. 688).

(*b*) *Affidavit of Justification.*

AFFIDAVIT OF JUSTIFICATION.

CANADA,
PROVINCE OF
COUNTY OF } *The King* v.

I, of in the Province of make oath and say:—

1. That I am the surety proposed and named for the above named (accused) , in the recognizance in this matter hereunto annexed.

2. That I am a (occupation) , residing at in the said province.

3. That I own and am worth property as follows: (Give particulars of land), the said property being worth $ altogether.

4. That I am not bail or surety for any person except in this matter, and except in the case of Rex v. .

5. That the said property above referred to is sufficient to pay all my debts and liabilities, and every other sum for which I am now liable, or for which I am bail or surety in any other matter, and further that after payment of such said sums there will be sufficient to pay the amount named in the recognizance and for which I am surety for the above named defendant, in this case.

Sworn before me at in the said province this day of A.D. 19 . } *Surety.*

Remands—

(*a*) *Verbal.*—Do not use.

(*b*) *Written.*—Criminal Code, form 17 (sec. 679).

(*c*) *Order to Bring up Person Remanded in Custody.*

ORDER TO BRING UP PRISONER.

CANADA,
PROVINCE OF
COUNTY OF } The King v.

You are hereby required to have C.D. taken to , in the said province, and there to appear before at the hour of o'clock in the noon, to answer to the charge of , upon which he has heretofore been remanded into your custody.

Dated, etc.

J. P., etc.

To the jailer at .

(*d*) *Minute Recording Remand.*

Remanded until day, the day of A.D. at o'clock.

Dated 19 . (Sgd.) *J. P., etc.*

Record of Hearing—

"RECORD OF HEARING."

Rex v. .....

RECORD.

[*Kept on Information and Complaint.*]

Accused (name) .....
Solicitors ..... (pros.) ..... (def.) .....

Remands in Custody:
From ..... to .....
From ..... to .....
From ..... to .....
Bailed (date) ..... (amount) .....
Hearing (kind) .....
Charged (date) .....
Plea .....

Adjournments:
From ..... to .....
From ..... to .....
From ..... to .....
From ..... to .....
From ..... to .....

Evidence concluded (date) .....

Adjudication (date) .....
(Result) .....
.....
.....
.....
.....
.....

(Sgd.) *J. P., etc.*

Search Warrants—

(*a*) *General.*—See Criminal Code, form 2 (sec. 630).

(*b*) *Explosives.*—Adapt Criminal Code, form 2 (sec. 633).

(*c*) *Offensive Weapons.*—Adapt Criminal Code, form 2 (sec. 634).

(*d*) *Fraudulently Marked Merchandise.*—Adapt Criminal Code, form 2 (sec. 635).

(*e*) *Public Stores.*—Adapt Criminal Code, form 2 (sec. 636).

(*f*) *Gold and Silver.*—Adapt Criminal Code, form 2 (sec. 637).

(*g*) *Timber Unlawfully Detained.*—Adapt Criminal Code, form 2 (sec. 638).

(*h*) *Intoxicating Liquors on H. M. Ships.*—Adapt Criminal Code, form 2 (sec. 639).

(*i*) *Women in Houses of Ill-fame.*—Adapt Criminal Code, form 2 (sec. 640).

(*j*) *Gaming Houses.*—Adapt Criminal Code, form 2 (sec. 641).

(*k*) *Opium Joints.*—Adapt Criminal Code, form 2 (sec. 642A).

(*l*) *Vagrants in Disorderly Houses.*—See Criminal Code, form 2 (sec. 643).

(*m*) *Fish Illegally Caught.—Fisheries Act,* 1914, ch. 8, sec. 47.

(*n*) *Ship's Cargo.—Customs and Fisheries Act, R. S. C.* 1906, ch. 47, secs. 5 and 6.

(*o*) *Liquor in N. W. T.—North-West Territories Act,* R. S. C. 1906, ch. 62, sec. 90; *R. N. W. M. P. Act,* R. S. C. 1906, ch. 91, sec. 19.

(*p*) *Animals Suffering from Contagious Diseases. — Contagious Diseases Act,* R. S. C. 1906, ch. 75, sec. 12.

(*q*) *Weights and Measures.—Weights and Measures Act,* R. S. C. 1906, ch. 81, sec. 140.

(*r*) *Food, Fruit, &c.—Inspection and Sale Act,* R. S. C. 1906, ch. 85, secs. 303, 327.

(*s*) *Indians Having Liquor.—Indian Act,* R. S. C. 1906, ch. 81, sec. 140.

(*t*) *Adulterated Milk, Butter, Cheese, &c.—Dairy Act,* 1914, ch. 7, sec. 150.

(*u*) *Petroleum and Naphtha.—Petroleum and Inspection Act,* R. S. C. 1906, ch. 86, sec. 25.

(*v*) *Gas Meters.—Gas Inspection Act,* R. S. C. 1906, ch. 87, sec. 7.

(*w*) *Electricity Meters.—Electricity Inspection Act,* 1907, ch. 14, sec. 9.

(*x*) *Water Meters.—Water Meters Act,* R. S. C. 1906, ch. 89, sec. 18.

(*y*) *Customs.—Customs Act,* R. S. C. 1906, ch. 48, sec. 148-154.

(*z*) *Inland Revenue.—Inland Revenue Act,* R. S. C. 1906, ch. 51.

Summons—

(*a*) *Defendant.*—Criminal Code, form 5 (sec. 658).

(*b*) *Witness.*—Criminal Code, form 11 (sec. 671).

(*c*) *Produce Documents.* Add to summons:—

And to produce at the time and place appointed for attendance, all books, papers, accounts, deeds and other documents in your possession, custody or control, relating to any matter connected with the proceeding, and particularly the following:

(*d*) *Witness Beyond Province.*—Criminal Code, form (preliminary sec. 676), (summary, sec. 713).

Swearing Witnesses—

(*a*) *Stenographer.*

You swear that you will well and truly report the proceedings in this case, and a true transcription make of the evidence, according to the best of your ability. So help you God.

(*b*) *Interpreter.*

You shall truly and faithfully interpret the evidence about to be given and all other matters and things touching the present charge, from the (foreign) language into the English language, and the English language into the (foreign) language, according to the best of your skill and ability. So help you God.

(*c*) *Witness.*

You swear that the evidence you shall give touching the matters in question in this case shall be the truth, the whole truth, and nothing but the truth. So help you God.

Weapon Permit—

(*a*) *Carry Revolver.*—(Sec. 118).

CANADA
PROVINCE OF }
COUNTY OF }

Permission is hereby given to (name), of (occupation), to carry (insert character of weapon) for (insert duration of permit) in the (city), (town) or (village) (place) of in the Province of .

The reason for granting this permit is as follows:—

Dated this day of , 19 .

(Name)
(Office)

(*b*) *Alien to Possess Firearms.*—(Sec. 118 (*di*).

CANADA
PROVINCE OF }
COUNTY OF }

Permission is hereby given to , of (address), (occupation), an alien of nationality to have in his possession a (pistol), (rifle), (shot-gun), (revolver), (firearm) or (offensive weapon), for in the (city), (town), (village) or (place) of in the said Province of . The reason for granting this permit is as follows:— (here insert reason)

Dated this day of , 19 .

(Name)
(Office)

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